



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Resolution 23-401, COVID-19 Supplemental Corrections Emergency Declaration Resolution of 2020 to provide additional relief measures for the District’s residents and businesses
- D.C. Council schedules a public hearing on the Mayor’s proposed Fiscal Year 2021 budget legislation
- D.C. Commission on the Arts and Humanities announces funding for the Fiscal Year 2021 Individuals and Organizations Grants
- Department of Consumer and Regulatory Affairs establishes the Consumer Bill of Rights for Funeral Home Establishments
- Office of the Chief Medical Examiner establishes emergency regulations for claiming a body of a decedent during the COVID-19 public health emergency
- Department of Human Resources establishes regulations for administering the District’s deferred compensation (457(b)) plan
- Public Service Commission updates its regulations to encourage renewable energy production in the District
- Office of Tax and Revenue updates regulations governing franchise tax rates, sales tax exemptions, and wage credits for qualified high technology companies
- Department of Youth Rehabilitation Services announces availability of the Capacity Building for the Community Program Initiative Grant

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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ENROLLED ORIGINAL

## A RESOLUTION

23-400

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 21, 2020

To approve multiyear Contract No. CFOPD-20-C-014 with Fidelity Information Services, Inc. to provide Electronic Benefits Transfer (EBT) services, on behalf of the Office of the Chief Financial Officer, Office of Financial and Treasury, for the Human Services Benefit programs managed by the Department of Human Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CFOPD-20-C-014 Electronic Benefit Transfer (EBT) Services Approval Resolution of 2020”.

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-0371; D.C. Official Code § 2-352.02), the Council approves the initial multiyear award of Contract No. CFOPD-20-C-014 for Electronic Benefits Transfer (EBT) services, on behalf of the Office of the Chief Financial Officer, Office of Financial and Treasury, for the Human Services Benefit programs managed by the Department of Human Services. The proposed contract has a 4-year base term and two 2-year option periods. The proposed multi-year contract cost is in the not-to-exceed amount of \$6,924,504.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-401

IN THE COUNCIL OF DISTRICT OF COLUMBIA

April 21, 2020

To declare the existence of an emergency with the respect to the need to amend the COVID-19 Response Supplemental Emergency Amendment Act of 2020 to include mortgage lenders as covered entities, and require notice of approved deferral applications, to clarify the amount a landlord may require a tenant to repay following the deferral period, and to prohibit commercial rent increases during the public health emergency; to amend the District of Columbia Public Emergency Act of 1980 to provide that a public health emergency executive order may include exempting specified persons from civil liability; to amend section 25-113 of the District of Columbia Official Code to allow nightclubs to deliver food with beer, wine, or liquor; to amend section 28-3814 of the District of Columbia Official Code to clarify the provisions pertaining to debt collection and civil liability; and to amend the Fiscal Year 2021 Budget Submission Requirements Resolution of 2019 to set the budget submission date as May 12, 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "COVID-19 Supplemental Corrections Emergency Declaration Resolution of 2020".

Sec. 2. (a) on March 11, 2020, the Mayor issued Mayor's Order 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. That order is currently in effect through April 24, 2020.

(b) On March 17, the Council enacted the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-247) that includes provisions to delay the submission of the Mayor's Fiscal Year 2021 budget proposal to May 6, 2020 due to the public health emergency. That bill also includes a provision to allow many restaurants and taverns to deliver beer, wine, and spirits with carry-out or delivery orders of food.

(c) On April 7, 2020, the Council enacted the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (D.C. Act 23-286). One provision of that act is intended to

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mitigate the adverse impacts of the public health emergency by directing mortgage providers to establish mortgage relief plans. The act also includes provisions to prohibit rent increases for residential rental properties and make technical changes regarding beer, wine, and spirit sales. It also contains a provisions limiting liability to the District with regard to the public health emergency and limiting debt collection during the public health emergency.

(d) To ensure the Council gets all relevant budget materials on the date of submission of the budget, the budget submission date must be extended by one week. Also, the Council has determined that the same rent relief afforded to residential tenants in D.C. Act 23-286 should be extended to commercial tenants. Concerns have also been raised that the provision of Act 23-286 regarding District liability under the public health emergency should be narrowed. Also, the Executive has asked that the provision for alcohol delivery originally added to D.C. Act 23-247, and refined in D.C. Act 23-286, be expanded to cover nightclub licensees.

(e) To ensure the mortgage relief is most appropriately administered during the public health emergency, the mortgage relief provisions in D.C. Act 23-286 need to be amended to include mortgage lenders as covered entities, require notice of approved deferral applications, and clarify the amount a landlord may require a tenant to repay following the deferral period.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-247

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To posthumously celebrate the life of Harold “Ike” Foster a native Washingtonian and Ward 8 resident for his passion and joy in serving the Ward 8 community.

WHEREAS, Harold Foster, affectionately known as “Ike”, was born on November 20, 1950 and raised in Washington D.C.;

WHEREAS, Mr. Foster passed away on July 19, 2018;

WHEREAS, Mr. Foster was a loving father of 4 children, Harold Maurice Foreman, Ieasha Denise Morris, Deshawnda Johnson, and Cachet Davis;

WHEREAS, Mr. Foster had a photogenic memory and through his own studies was able to recite Black history facts in sequential order beginning when the first Africans were brought to the US in 1619 up until the time of his passing in 2018;

WHEREAS, Mr. Foster received the unsung hero award from the Executive Office of the Mayor in 2018 for his tireless work in DC underserved communities;

WHEREAS, using his innovative teaching techniques Mr. Foster imparted valuable African American history and basic life skills to Southeast DC’s young residents through his widely acclaimed “Out of the Mouth of Babes” Program;

WHEREAS, as a tireless fighter for low wage workers, Mr. Foster organized and led protests to secure higher wages for federal service workers as well as giving them a seat at the table in deciding workplace issues;

WHEREAS, continuing his work with Washington’s young people, Mr. Foster was an integral leader in the after-school program at Malcolm X Elementary School in Southeast;

WHEREAS, Mr. Foster was at the forefront of efforts to petition city leadership to provide better facilities and programs for Southeast residents;

WHEREAS, Mr. Foster was a role model and advocate for the ex-offender community supporting reforms, knocking down barriers and providing pathways for ex-offenders to become productive citizens;

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WHEREAS, Mr. Foster was relentless in registering young and elderly residents to participate in the electoral process as a strategy to bring about change in our communities;

WHEREAS, on election day, Mr. Foster would drive around the neighborhoods in a van and pick up people and take them to the polls;

WHEREAS, Mr. Foster was a genuine advocate and “go to person” for elderly residents needing assistance in the winter and summer months;

WHEREAS, Mr. Foster will be greatly missed by his beloved family and the greater Ward 8 community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Harold “Ike” Foster Ceremonial Posthumous Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia Posthumously honors Harold “Ike” Foster for his life that he poured out in service to the community.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize the month of May 2020 as Teacher Appreciation Month, to honor all teachers for the contributions they make to the next generation and society, and to declare May 3, 2020 through May 9, 2020 as “Teacher Appreciation Week” in the District of Columbia.

WHEREAS, education is integral in advancing society and providing knowledge of the world around us;

WHEREAS, education develops a perspective of critical thinking where opinions and beliefs can be formed;

WHEREAS, education within the District of Columbia has the capacity to positively impact the next generation of leaders and teach them to advance society in technology, policy, science, literature, and more;

WHEREAS, qualified, passionate, and dedicated teachers serve as educators to expand the imaginations of the next generation;

WHEREAS, teachers in the District of Columbia are the pillars of a successful school system by providing guidance and confidence in learning;

WHEREAS, teachers help students acquire knowledge, competence and virtue on numerous subjects and topics;

WHEREAS, teachers help to bolster and encourage self-esteem and courage in their students;

WHEREAS, teachers serve multiple roles in their classrooms including that of role model, caregiver, coach, listening ear, encourager, and mentor who help shape the lives of their students;

WHEREAS, the District of Columbia’s future depends upon providing a high-quality education for every student;

WHEREAS, the teachers in the District of Columbia are entrusted with and succeed in educating our students and guiding them through the learning process;

WHEREAS, student success in the District of Columbia is nurtured in the classroom, with teachers who encourage our students to use their imaginations and instill in them a lifelong love for learning;

**ENROLLED ORIGINAL**

WHEREAS, the District of Columbia recognizes and supports its teachers in all the work they do with the District’s communities;

WHEREAS, Teacher Appreciation Month and Teacher Appreciation Week are opportunities for Washingtonians to join with teachers around the country on the critical role of shaping our children and the future of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Teacher Appreciation Week Ceremonial Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia honors all teachers in their dedication and service to the youth of our community.

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

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-249

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To posthumously celebrate, Elaine M. Carter-Moore a vibrant and celebrated member of the Ward 8 community for her service in the District of Columbia.

WHEREAS, Mrs. Moore, affectionately known as Ms. E, lived a vibrant life from April 10, 1939 to June 25, 2016;

WHEREAS, Mrs. Moore was born in Washington D.C. to the late Mary Walker and Alex Carter;

WHEREAS, Mrs. Moore attended public schools in Washington D.C. and worked at Metropolitan Chicken and Hogates Restaurant where she met and fell in love with her devoted husband Lenster Moore;

WHEREAS, Mrs. Moore had a love for cooking and being of service to others that was clearly captured throughout her life;

WHEREAS, Mrs. Moore was a tireless worker and volunteer who devoted herself to helping the community by working as a community activist, political organizer/campaigner, former president of the resident council at Stanton Dwellings, and volunteering at senior centers;

WHEREAS, Mrs. Moore was the go to person in the community. There was not a problem or person she was not willing to take on to help better the plight and conditions of the people in her community;

WHEREAS, Mrs. Moore was involved in protests, sit-ins, parades, campaigns, testifying before the D.C. Council, and organizing the community to ensure that those living East of the Anacostia River received their fair share of services;

WHEREAS, until her illness, you would find Mrs. Moore helping to feed the needy. On the second Wednesday of each month Mrs. Moore would pass out food to her community;

WHEREAS, Mrs. Moore was a devoted Redskins fan and during her personal time she enjoyed music especially the “oldies but goodies”;



**ENROLLED ORIGINAL**

WHEREAS, Mrs. Moore joined Galilee Baptist Church and later became a member of and volunteered at Anna Johenning Baptist Church;

WHEREAS, at the time of her passing Mrs. Moore was a member of AP Shaw United Methodist Church recently known as Brighter Day Ministries;

WHEREAS, Mrs. Moore was a loving, caring, and supportive person. To know Ms. E was to love Ms. E. Her style and love for life will truly be missed;

WHEREAS, Mrs. Moore leaves to cherish her memories her two sisters Nancy and Janice and seven siblings who preceded her in death;

WHEREAS, Mrs. Moore also leaves 10 children Linda, Brenda, Robert, Dorothy, Cherly, Marc, Glenda, Joan, Allen, and James along with 2 stepsons Jerry and Lenster Jr. and 24 grandchildren.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Elaine M. Carter-Moore Posthumous Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia posthumously honors Mrs. Moore for her love of life and service to the Ward 8 community.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate Ronald L. Moten for his years of activism, dedication and service to the District of Columbia.

WHEREAS, Mr. Moten is a fifth generation Washingtonian who attended Roosevelt Senior High School in Washington, D.C. and Park Community College in Danbury, Connecticut;

WHEREAS, his early challenges and experience of incarceration laid the foundation to open his mind to the power of change and activism;

WHEREAS, Mr. Moten worked as the Spokesperson and Outreach Coordinator for Cease Fire Don't Smoke the Brothers to promote peace and positive engagement of youth throughout the nation;

WHEREAS, he sharpened and developed his skills in conflict resolution. Mr. Moten negotiated many truces between both male and female gangs and crews and helped broker over 40 truces in Washington, D.C.;

WHEREAS, Mr. Moten's aspirations led him to be a co-founder and CEO of the Peaceholics;

WHEREAS, he sent over 160 at-risk youth to college and many have returned to the community to serve as Advisory Neighborhood Commissioners;

WHEREAS, Mr. Moten assisted the District in developing numerous initiatives to combat violence to include: Violence Intervention Partnership (VIP), Saving Our Sisters and Rebuild the Village Model;

WHEREAS, he has served as an advisor to government and national leaders to strengthen and deepen the work to move young people away from a life of violence to one of peace and self-sufficiency;

WHEREAS, Mr. Moten has served as a consultant with the Jack Kemp Foundation for more than 6 years focusing on leadership and empowerment of local at-risk or impoverished youth;

## ENROLLED ORIGINAL

WHEREAS, he is credited with transforming leaders of a local gay gang to productive citizens with their own business of “Check It Enterprises” located in S.E. Anacostia, Washington, D.C.;

WHEREAS, Mr. Moten is also the co-founder of the Don’t Mute DC Movement which has broadened its mission after he and Howard University professor Natalie Hopkinson created the petition that collected over 80,000 signatures that helped bring back the music to 7<sup>th</sup> and Florida Ave. N.W;

WHEREAS, Check It Enterprises and Don’t Mute DC movement are helping to preserve a part of DC culture by partnering to open the Go-Go Museum in late Spring of 2020;

WHEREAS, Mr. Moten has received numerous awards and recognition for his activism and community service for more than 20 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ronald L. Moten Ceremonial Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia honors Mr. Moten for his service to the District.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate Miles Rawls for over 20 years of activism and service to the District of Columbia.

WHEREAS, Mr. Rawls was born and raised in the Barry Farm Housing Projects of Washington D.C.;

WHEREAS, Mr. Rawls attended Birney Elementary, Frederick Douglass Jr. High school and Frank Ballou Sr. High School where he graduated in 1981;

WHEREAS, Mr. Rawls joined the United States Army serving from 1983 to 1995 and was honorably discharged;

WHEREAS, Mr. Rawls joined the Federal Protective Service, Department of Homeland Security as a Federal Officer in 1997;

WHEREAS, Mr. Rawls has and still is serving diligently in this role;

WHEREAS, In the summer of 1977 the Barry Farm Community Summer Basketball League was formed at the Barry Farm Housing Projects;

WHEREAS, Mr. Rawls took over the Barry Farm Community Summer Basketball League in 1996;

WHEREAS, Mr. Rawls renamed the basketball program the George Goodman League in 2000 to honor Mr. George "PAP" Goodman, who was tragically killed in the mid 1980's;

WHEREAS, Mr. Rawls has grown the Goodman League into the #1 Summer Basketball League in the Country;

WHEREAS, Mr. Rawls is currently in his 24th year as the Commissioner of the Goodman League;

WHEREAS, today the Goodman League is the best summer league in the country. They provide a fun, safe, family reunion environment in Washington D.C.;

WHEREAS, the Goodman League features some of the top high schools, street ball, overseas basketball, and National Basketball Association players including Gilbert Arenas, Kevin Durant, Michael Beasley, Bradley Beal and John Wall;

**ENROLLED ORIGINAL**

WHEREAS, Mr. Rawls was honored by Councilmember Trayon White in 2018 with a day named in his honor;

WHEREAS, Mr. Rawls was honored by Mayor Muriel Bowser in 2016 for over 20 years of community service with a Key to the City;

WHEREAS, Mr. Rawls gives back to his community with his annual Thanksgiving basket giveaway, annual toy drive, backpack and school supplies giveaway and a host of other meaningful community service events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Miles Rawls and the Goodman League Ceremonial Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia honors Mr. Rawls in his service to the community and engaging the District through summer basketball.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate Regina Sharlita Pixley, on her 50<sup>th</sup> birthday, for her numerous years of activism and service to Ward 8.

WHEREAS, Ms. Pixley was born and raised in the Great Ward 8;

WHEREAS, Ms. Pixley was a proud student of McKinley Technology High School and proud alum of Calvin Coolidge High school, graduating in 1987;

WHEREAS, Ms. Pixley watched over Ward 8’s children and our most vulnerable students for over 10 years as an Office of the State Superintendent of Education school bus driver;

WHEREAS, Ms. Pixley’s students loved to ride the bus with her and considered it a highlight of their day;

WHEREAS, Ms. Pixley always considered their safety and greeted them with kind words and never allowed them to view their disabilities as a distraction in their educational pursuits;

WHEREAS, Ms. Pixley later entered the security field, where she still is today, working for a variety of security companies;

WHEREAS, Ms. Pixley is a dedicated and hard worker who is constantly advocating for her fellow team members which led to her ultimately being voted as a union representative at her place of employment;

WHEREAS, Ms. Pixley is very involved in her community constantly giving back and serving those in need;

WHEREAS, Ms. Pixley hosts yearly dinners for the homeless on Thanksgiving and Christmas with an attendance of over 100 people;

WHEREAS, Ms. Pixley also hosts a yearly dinner for mothers in Washington D.C., who have lost their children to violence;

WHEREAS, this is a very impactful gathering where Ms. Pixley has created a safe space for mothers to grieve and comfort one another in love;

**ENROLLED ORIGINAL**

WHEREAS, Ms. Pixley also gives back to her community through a yearly turkey drive that she participates in by purchasing turkeys and giving them away to her neighbors and residents in need;

WHEREAS, Ms. Pixley is an Advisory Neighborhood Commissioner for 8C04 as well as the DC Democratic State Party, Ward 8 Committee Woman;

WHEREAS, in addition to her community service, Ms. Pixley is a violence interrupter interacting with those who belong to the most vulnerable populations in Ward 8 and guiding them on a different path;

WHEREAS, among the various other hats that she wears, Ms. Pixley is a loving mother to Astarsia Young, Alasia Pixley and Eugene Hill and devoted grandmother of 6 grandchildren;

WHEREAS, Ms. Pixley is beloved by her immediate community and the Ward 8 community at large.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Regina Sharlita Pixley Ceremonial Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia honors Ms. Pixley for her love, dedication and service to Ward 8 and the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate, Bishop Glen A. Staples for his Senior Pastor of The Temple of Praise.

WHEREAS, Bishop Staples answered the call to preach in 1981, licensed in 1982 and ordained in 1986;

WHEREAS, he began his ministerial service at Mt. Zion Baptist Church in Beckley, West Virginia;

WHEREAS, Bishop Staples first served the Washington, DC community as the Associate Minister at the Tenth Street Baptist Church under the spiritual tutelage of Pastor A. C. Durant;

WHEREAS, one year after his appointment at the Tenth Street Baptist Church, Bishop Staples was appointed as the third Pastor of the former Anna Johenning Baptist Church, now known as the Temple of Praise;

WHEREAS, in 2005 Bishop Staples and Presiding Prelate was bestowed and consecrated upon him by Bishop T.D. Jakes, Senior Pastor of the Potter’s House International;

WHEREAS, Bishop Staples leads a congregation of more than 14,000 members and 400 churches worldwide;

WHEREAS, Bishop Staples has ordained and installed more than 125 active in-house Pastors, Elders, and Ministers and is the covering for more than 50 Pastors stateside and 200 churches in India, Nigeria and the Bahamas;

WHEREAS, Bishop Staples life, education and experience has led to the title of being a “Pastor’s Pastor;”

WHEREAS, under Bishop Staples’ leadership and strong economic empowerment vision, lead him to move hundreds of congregants from a life of dependency to self-sufficiency;

WHEREAS, Bishop Staples has earned numerous degrees and awards, his greatest accomplishments would include being a loving father to Glen, Lamar, Rodney, Jamie and Micah, great teacher, pastor and a man who follows God’s words;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Bishop Glen A. Staples Ceremonial Recognition Resolution of 2020.”



**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia honors Reverend James E. Coates for his community activism, lifelong commitment to service, and faithful leadership.

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

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-256

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate, Arrington L. Dixon for over 30 years of activism and service.

WHEREAS, Mr. Dixon was born and raised in the Historic Anacostia neighborhood of Washington D.C.;

WHEREAS, Mr. Dixon attended McKinley Technical High school graduating before attending the United States Air Force Academy and graduating from Howard University with a degree in economics and statistics;

WHEREAS, Mr. Dixon served his country honorably and continued to support national defense efforts as a Colonel in the Army Reserve;

WHEREAS, Mr. Dixon earned a law degree from the George Washington University National Law Center;

WHEREAS, after graduation, Mr. Dixon entered politics when he was elected in November 1974 to represent Ward 4 on the first Council in the newly-established legislative body in the District of Columbia under the new home rule governance;

WHEREAS, in 1978, Mr. Dixon was also elected as Chair of the City Council and served as Council Chairman for 4 years;

WHEREAS, Mr. Dixon also served on the Anacostia Coordinating Council, a non-profit dedicated to the promotion and development of Anacostia, to advocate for the construction of new Anacostia Metrorail station;

WHEREAS, he opened and managed his own consulting firm, Arrington Dixon and Associates located in Historic Anacostia;

WHEREAS, under Mr. Dixon's leadership, the Anacostia Coordinating Council grew into an organization known for its advocacy for Anacostia and Ward 8, in addition to its signature fundraising event, a boat ride on the Potomac River;

WHEREAS, Mr. Dixon was appointed by the late Mayor Marion Barry to serve as a public member of the National Capital Planning Commission;

WHEREAS, he returned to the council as an at-large member in 1997;

**ENROLLED ORIGINAL**

WHEREAS, Mr. Dixon was elected as a D.C. Superdelegate in 2016 and had served on the Democratic National Committee’s Executive Board as a member for 8 years;

WHEREAS, the Honorable Eleanor Holmes Norton of the District of Columbia in the House of Representatives recognized Arrington Dixon on his retirement and services to the Anacostia Coordination Council;

WHEREAS, Mr. Dixon is father to 2 daughters, Aimee Arrington Dixon born November 27th and Drew Arrington Dixon born November 8th.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Arrington L. Dixon Ceremonial Recognition Resolution of 2020.”

Sec. 2. The Council of the District of Columbia honors Mr. Arrington Dixon for his activism and service to the District of Columbia.

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

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

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

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

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

B23-736            Comprehensive Plan Amendment Act of 2020

Intro. 4-23-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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**PROPOSED RESOLUTIONS**

PR23-788            Local Rent Supplement Program Contract No. 2019-LRSP-04A Approval Resolution of 2020

Intro. 4-20-20 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization

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PR23-789            Local Rent Supplement Program Contract No. 2019-LRSP-03 Approval Resolution of 2020

Intro. 4-20-20 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARINGS  
FISCAL YEAR 2021 PROPOSED BUDGET AND FINANCIAL PLAN,  
FISCAL YEAR 2021 BUDGET SUPPORT ACT OF 2020,  
FISCAL YEAR 2021 LOCAL BUDGET ACT OF 2020  
FISCAL YEAR 2021 FEDERAL PORTION BUDGET REQUEST ACT OF 2020, AND  
COMMITTEE MARK-UP SCHEDULE**

4/28/2020

**SUMMARY**

May 12, 2020	Mayor Transmits the Fiscal Year 2021 Proposed Budget and Financial Plan and associated documents to the Council of the District of Columbia
May 13, 2020	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan
May 14, 2020 to June 11, 2020	Committee Public Hearings on the "Fiscal Year 2021 Local Budget Act of 2020." The Committees may also receive testimony on sections of the Fiscal Year 2021 Budget Support Act that affect the agencies within each Committee's purview.
May 19 - 20, 2020	Committee of the Whole Public Hearing on the "Fiscal Year 2021 Local Budget Act of 2020", "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020."
June 16 - 18, 2020	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2021
June 22, 2020	Budget Work Session - TBD
June 30, 2020	Committee of the Whole and Council consideration of the "Fiscal Year 2021 Local Budget Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"
July 14, 2020	Council Consideration of the "Fiscal Year 2021 Local Budget Act of 2020" and the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020"
July 21, 2020	Council Consideration of the "Fiscal Year 2021 Budget Support Act of 2020"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2021 Proposed Budget and Financial Plan, the "Fiscal Year 2021 Local Budget Act of 2020", the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020". The hearings will begin Thursday May 14, 2020 and conclude on Wednesday June 11, 2020. The Committee mark-ups will begin Tuesday June 16, 2020 and conclude on Thursday, June 18, 2020.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council of the District of Columbia adapt the methods by which public hearings on the FY2021 Proposed Budget and Financial Plan will be held to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including the use of teleconferencing platforms to hold public hearings.

Please refer to the specific instructions, found at the end of this notice, on how each Committee will operate their hearings. The web address for each virtual meeting will be listed in future versions of this notice, and linked in the notices posted at [www.dccouncil.us](http://www.dccouncil.us) and [www.dccouncilbudget.com](http://www.dccouncilbudget.com). All hearings listed in this notice can also be watched live on the DC Council Channel (Channel 13) and streamed live at <http://video.oct.dc.gov/DCC/jw.html> or [http://dc.granicus.com/MediaPlayer.php?publish\\_id=87](http://dc.granicus.com/MediaPlayer.php?publish_id=87).

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the relevant Committee office of the need as soon as possible, but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days, may not be fulfilled and alternatives may be offered.

**ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE**

**PUBLIC HEARING SCHEDULE**

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MAY 13, 2020; via Virtual Meeting Platform</b>	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyon McDuffie**

<b>THURSDAY, MAY 14, 2020; via Virtual Meeting Platform</b>	
Time	Agency
9:00 a.m. - Noon	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>THURSDAY, MAY 14, 2020; via Virtual Meeting Platform</b>	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Mayor's Office of Community Affairs

Please see detailed instructions from the Committee on Government Operations at the end of this notice.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>THURSDAY, MAY 14, 2020; via Virtual Meeting Platform</b>	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Office of the Secretary

Please see detailed instructions from the Committee on Government Operations at the end of this notice.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>FRIDAY, MAY 15, 2020; via Virtual Meeting Platform</b>	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Office of the Inspector General
	Office of Cable Television, Film, Music & Entertainment
	Office of the Chief Technology Officer
	Office of Risk Management
	Office of Administrative Hearings
	Office of Human Rights

Please see detailed instructions from the Committee on Government Operations at the end of this notice.

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

<b>FRIDAY, MAY 15, 2020; via Virtual Meeting Platform</b>	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

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

<b>FRIDAY, MAY 15, 2020; via Virtual Meeting Platform</b>	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Office of the Attorney General
	Fire and Emergency Medical Services Department
	Office of Unified Communications

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>MONDAY, MAY 18, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
9:00 a.m. - Noon	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

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

<b>MONDAY, MAY 18, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Public Witnesses Only)</b>
Noon - 3:00 p.m.	Department of Aging and Community Living
	Office of the Tenant Advocate

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

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

<b>MONDAY, MAY 18, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
3:00 p.m. - 6:00 p.m.	Department of Aging and Community Living
	Office of the Tenant Advocate

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>TUESDAY, MAY 19, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
12:00 p.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"

Please see detailed instructions from the Committee of the Whole at the end of this notice.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MAY 20, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
9:00 a.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"

Please see detailed instructions from the Committee of the Whole at the end of this notice.

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

<b>THURSDAY, MAY 21, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
9:00 a.m. - Noon	Department of Public Works

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

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

<b>THURSDAY, MAY 21, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
Noon - 3:00 p.m.	Department of Energy and the Environment

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

**COMMITTEE ON FACILITIES & PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>THURSDAY, MAY 21, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
3:00 p.m. - 6:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Facilities & Procurement at the end of this notice.



**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>FRIDAY, MAY 22, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Public Witnesses Only)</b>
9:00 a.m. - 3:00 p.m.	Department of Human Services
	Child and Family Services
	Department of Disability Services

Please see detailed instructions from the Committee on Human Services at the end of this notice.

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

<b>FRIDAY, MAY 22, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
3:00 p.m. - 6:00 p.m.	Department of Youth Rehabilitation Services
	Commission on Father's, Men and Boys

Please see detailed instructions from the Committee on Recreation & Youth Affairs at the end of this notice.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>TUESDAY, MAY 26, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
9:00 a.m. - 3:00 p.m.	Department of Human Services
	Child and Family Services
	Department of Disability Services

Please see detailed instructions from the Committee on Human Services at the end of this notice.

**COMMITTEE ON FACILITIES & PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>TUESDAY, MAY 26, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
3:00 p.m. - 6:00 p.m.	Advisory Neighborhood Commissions
	Contract Appeals Board
	Office of Contracting and Procurement

Please see detailed instructions from the Committee on Facilities & Procurement at the end of this notice.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MAY 27, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Public Witnesses Only)</b>
9:00 a.m. - Noon	Department of Consumer & Regulatory Affairs
	Office of Planning
	Office of Zoning
	Historic Preservation Review Board
	District of Columbia Retirement Board
	Other Post-Employment Administration

Please see detailed instructions from the Committee of the Whole at the end of this notice.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MAY 27, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
Noon - 3:00 p.m.	Department of Consumer & Regulatory Affairs
	Office of Planning

Please see detailed instructions from the Committee of the Whole at the end of this notice.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, MAY 27, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
3:00 p.m. - 6:00 p.m.	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>THURSDAY, MAY 28, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
9:00 a.m. - Noon	Department of Employment Services

Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

**COMMITTEE ON FACILITIES & PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>THURSDAY, MAY 28, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
Noon - 3:00 p.m.	Office of Returning Citizen Affairs
	Department of General Services

Please see detailed instructions from the Committee on Facilities & Procurement at the end of this notice.

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

<b>THURSDAY, MAY 28, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
3:00 p.m. - 6:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>FRIDAY, MAY 29, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Public Witnesses Only)</b>
9:00 a.m. - Noon	Commission on the Arts & Humanities
	University of the District of Columbia
	Events DC
	Council of the District of Columbia
	District of Columbia Auditor
	New Columbia Statehood Commission

Please see detailed instructions from the Committee of the Whole at the end of this notice.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>FRIDAY, MAY 29, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
Noon - 3:00 p.m.	Commission on the Arts & Humanities
	University of the District of Columbia
	Events DC

Please see detailed instructions from the Committee of the Whole at the end of this notice.

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

<b>FRIDAY, MAY 29, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
3:00 p.m. - 6:00 p.m.	Department of Parks & Recreation

Please see detailed instructions from the Committee on Recreation & Youth Affairs at the end of this notice.

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

<b>MONDAY, JUNE 1, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
9:00 a.m. - Noon	Metropolitan Police Department
	Office of Victim Services and Justice Grants

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

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

<b>MONDAY, JUNE 1, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
Noon - 3:00 p.m.	Department of Corrections
	Board of Elections
	Office of Campaign Finance

Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>MONDAY, JUNE 1, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
3:00 p.m. - 6:00 p.m.	Alcoholic Beverage Regulation Administration
	Office of People's Counsel
	Public Service Commission
	Destination DC

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, JUNE 3, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
9:00 a.m. - Noon	Deputy Mayor for Planning and Economic Development
	Office of the Chief Financial Officer
	DC Lottery and Charitable Games

Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

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

<b>WEDNESDAY, JUNE 3, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
Noon - 3:00 p.m.	Department of Motor Vehicles

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

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

<b>WEDNESDAY, JUNE 3, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
3:00 p.m. - 6:00 p.m.	District Department of Transportation

Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>THURSDAY, JUNE 4, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
Noon - 3:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Education at the end of this notice.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>THURSDAY, JUNE 4, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
3:00 p.m. - 6:00 p.m.	Office of the State Superintendent of Education

Please see detailed instructions from the Committee on Education at the end of this notice.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>FRIDAY, JUNE 5, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	Department of Health
	Department of Behavioral Health
	Not-for-Profit Hospital Corporation
	Health Benefit Exchange

Please see detailed instructions from the Committee on Health at the end of this notice.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>MONDAY, JUNE 8, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
Noon - 6:00 p.m.	Department of Housing and Community Development
	Housing Production Trust Fund
	District of Columbia Housing Authority
	District of Columbia Housing Finance Agency
	Rental Housing Commission
	Real Estate Commission
	Real Property Tax Appeals Commission
	Board of Real Estate Appraisers

Please see detailed instructions from the Committee on Housing & Neighborhood Revitalization at the end of this notice.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>WEDNESDAY, JUNE 10, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency</b>
Noon - 6:00 p.m.	Public Witness Testimony for Agencies under Purview

Please see detailed instructions from the Committee on Health at the end of this notice.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso**

**Chairman Phil Mendelson**

<b>THURSDAY, JUNE 11, 2020; via Virtual Meeting Platform</b>	
<b>Time</b>	<b>Agency (Government Witnesses Only)</b>
9:00 a.m. - 3:00 p.m.	District of Columbia Public Schools
	Deputy Mayor for Education

Please see detailed instructions from the Committee on Education at the end of this notice.

**COMMITTEE MARK-UP SCHEDULE****TUESDAY, JUNE 16, 2020; via Virtual Meeting Platform**

<b>Time</b>	<b>Committee</b>
1:00 p.m. - 2:30 p.m.	Committee on Health
2:30 p.m. - 4:00 p.m.	Committee on Recreation and Youth Affairs
4:00 p.m. - 5:30 p.m.	Committee on Facilities and Procurement

**WEDNESDAY, JUNE 17, 2020; via Virtual Meeting Platform**

<b>Time</b>	<b>Committee</b>
10:30 a.m. - Noon	Committee on Human Services
Noon - 1:30 p.m.	Committee on Housing and Neighborhood Revitalization
1:30 p.m. - 3:00 p.m.	Committee on Labor and Workforce Development
3:00 p.m. - 4:30 p.m.	Committee on Government Operations

**THURSDAY, JUNE 18, 2020; via Virtual Meeting Platform**

<b>Time</b>	<b>Committee</b>
10:00 a.m. - 11:30 a.m.	Committee on Business & Economic Development
11:30 a.m. - 1:00 p.m.	Committee on Transportation and the Environment
1:00 p.m. - 2:30 p.m.	Committee on the Judiciary
2:30 p.m. - 4:00 p.m.	Committee on the Education
4:00 p.m. - 5:30 p.m.	Committee of the Whole

### Committee Instructions

**Testimony by voicemail:** Each committee has been provided with a unique voicemail number to accept budget testimony. The voicemail program automatically limits each message to three minutes. The program will generate an automated transcript of each message, which will be included as written testimony in the committee hearing record.

#### 1. Committee of the Whole

- May 19, 2020 at Noon and May 20, 2020 at 9:00am:

**The Mayor's Proposed Fiscal Year 2021 Budget and accompanying legislation.**

Due to the COVID-19 public health emergency declaration, the hearing will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Because of this, written or transcribed testimony from the public regarding the Fiscal Year 2021 budget is **highly encouraged** and will be taken by email or voice mail. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or may be left by voice mail (up to 3 minutes) – **which will be transcribed** – by calling (202) 430-6948. Testimony received by close of business on **Monday, May 18, 2020** will be posted publicly to <http://www.chairmanmendelson.com/FY2021> prior to the hearing. The record will close at 5:00 p.m. on June 26, 2020.

Members of the public wishing to testify live via the Zoom meeting must email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us) and provide your preferred call in day, name, telephone number, organizational affiliation and title (if any) by close of business Friday, May 15, 2020. The Committee will provide each witness a phone number, access instructions, and time to call in to provide testimony. Those providing live testimony will be limited to 2 minutes; slightly longer may be permitted if arranged prior to the hearing. Only 1 member from each organization may provide live testimony. The witness list detailing the panels will be circulated by close of business on May 18, 2020. All testimony received via email, voice mail, or phone will be made part of the official record.

- May 27th at 9am-noon:

**Department of Consumer and Regulatory Affairs, Office of Planning, Office of Zoning, Historic Preservation Review Board, District of Columbia Retirement Board, Other Post-Employment Administration (Public Witnesses)**

Due to the COVID-19 public health emergency declaration, the hearing will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Live testimony in Zoom will be by invitation only and the hearing will be broadcast on Council cable channel 13 and the Council website. Those who wish to testify to the Committee via Zoom are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us) and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Monday, May 25, 2020**. The Committee will confirm whether you received a live testimony slot or whether you will be asked to submit written or oral testimony. Persons who testify live must submit electronic written testimony to the Committee by close of business on **Monday, May 25, 2020**. Written or transcribed testimony for all agencies under the purview of the Committee of

the will be taken by email or phone. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling (202) 430-6948 and leaving a message, which will be transcribed. Testimony received by close of business on Monday, May 25, 2020 will be posted publicly to <http://www.chairmanmendelson.com/FY2021> prior to the hearing. The record will close at 5:00 p.m. on June 4, 2020.

- May 29th at 9am-noon:

**Commission on the Arts and Humanities, University of the District of Columbia, Events DC, Council of the District of Columbia, District of Columbia Auditor, New Columbia Statehood Commission (Public Witnesses)**

Due to the COVID-19 public health emergency declaration, the hearing will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Live testimony in Zoom will be by invitation only and the hearing will be broadcast on Council cable channel 13 and the Council website. Those who wish to testify to the Committee via Zoom are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us) and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Wednesday, May 27, 2020**. The Committee will confirm whether you received a live testimony slot or whether you will be asked to submit written or oral testimony. Persons who testify live must submit electronic written testimony to the Committee by close of business on **Wednesday, May 27, 2020**. Written or transcribed testimony for all agencies under the purview of the Committee of the will be taken by email or phone. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling (202) 430-6948 and leaving a message, which will be transcribed. Testimony received by close of business on Wednesday, May 27, 2020 will be posted publicly to <http://www.chairmanmendelson.com/FY2021> prior to the hearing. The record will close at 5:00 p.m. on June 4, 2020.

## **2. Committee on Business and Economic Development**

Public witnesses are invited to testify at the Committee's budget hearings. In compliance with the social distancing requirements of the District, individuals wishing to testify shall do so by following these instructions:

All public witnesses are required to complete the Witness Information Form at <https://forms.gle/njgMLQ47BfQhhoX36>.

Public witnesses may request to testify on any of the aforementioned District agencies during a virtual hearing, to be held on May 14, 2020, at 9:00 a.m. to 12:00 p.m. Public witnesses who wish to testify at the virtual hearing may request to do so via the Witness Information Form. Participation in the virtual hearing is limited, and participants will be included on a first-come, first served basis. The witness list for the virtual hearing will open on May 11, 2020, at 9:00 a.m. and close on May 13, 2020, at 5:00 p.m. Each public witness will receive a maximum of three minutes to testify and each organization is limited to one testimony. Public witnesses who participate in the virtual hearing will receive additional instructions from the Committee on Business and Economic Development.

All public witnesses, including those who are unable to participate in the virtual hearing, are encouraged to submit written testimony in advance of the hearing. Written testimony must be copy and pasted electronically into the Witness Information Form. Written testimony properly received will be made part of the official record.

Public witnesses may also submit oral testimony. Public witnesses who wish to submit oral testimony must first complete the Witness Information Form, and then dial 202-430-5122 to leave a voicemail. At the beginning of the message please: state your name, spell your name, provide the name of the organization you are representing (if any), and then begin your testimony. The voicemail system automatically limits all oral testimony to three minutes. An automated transcript will be generated from this voicemail. Please note that the automated process is not perfect and may result in typographical errors in the transcript.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests; however, requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

The record for all hearings will close on Wednesday, June 3, 2020 at 5:00 p.m.

If you have any questions, please contact Justin Roberts, Committee Director, at [jroberts@dccouncil.us](mailto:jroberts@dccouncil.us).

### **3. Committee on Education**

Because of technical limitations due COVID-19, the Committee of the Whole and the Committee on Education have limited the oral testimony to invited guests. All others wishing to provide testimony should email their testimony to [astrange@dccouncil.us](mailto:astrange@dccouncil.us) or call 202-430-5720 and leave a message, which will be transcribed for the record. Please indicate that your email is a testimony in the subject line. All testimonies received 48 hours before the hearing will be sent to all Councilmembers and the agency representative.

### **4. Committee on Facilities and Procurement**

The Committee strongly encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted by e-mail at [facilities@dccouncil.us](mailto:facilities@dccouncil.us). The record for each budget oversight hearing will close at the close of business 5 business days after the conclusion of each hearing.

Additionally, witnesses may submit testimony by voicemail at 202-455-4338. Transcripts of these voicemails will be incorporated into the public record.

Witnesses who wish to testify at the budget oversight hearing on the budget of any agency under the Committee's jurisdiction should sign up to testify by contacting the Committee by e-mail at [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by phone at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by the close of business two



business days before the hearing. Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to [facilities@dccouncil.us](mailto:facilities@dccouncil.us). Witnesses will participate remotely, using audio only. The Committee will follow-up with additional instructions on how to provide testimony through a web conferencing platform.

Only the first 35 witnesses who sign up to testify by e-mail or phone will provide oral testimony. All other witnesses will be asked to submit testimony through other means. All public witnesses will be allowed a maximum of three minutes to testify, while Advisory Neighborhood Commissioners will be permitted four minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than 5 business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

#### **5. Committee on Government Operations**

The Committee on Government Operations will be limiting public testimony to written testimony only. Members of the public seeking to view the budget hearings via Zoom may send an e-mail or leave a voicemail with Sam Stephens with the following information:

- Your first and last name,
- The name of the organization you are representing (if any),
- Your e-mail address,
- Your device name (if you are using video),
- Your phone number.

Mr. Stephens will e-mail a confirmation of your attendance with an agenda, witness list, and attached instructions for accessing the Zoom video conference hearing by 5:00 p.m. on May 8, 2020. If you do not receive a confirmation of your attendance, please contact Mr. Stephens by 5:00 p.m. on May 12, 2020.

As the public will not be physically present for public hearings, they can participate by providing their comments or testimony by email at [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling (202) 430-6322 and leaving a message, which will be transcribed for the record. Persons wishing to provide written testimony regarding the proposed budget of any of the agencies under the Committee's jurisdiction should e-mail their written testimony to [GovernmentOperations@dccouncil.us](mailto:GovernmentOperations@dccouncil.us) by no later than 5:00 p.m. on Saturday, June 6, 2020. Any testimony provided after this time will not be made part of the official Committee report. While submitted testimony will not be aired during the Council's public hearing, all of the comments provided will be reviewed by the Committee and will be available to the public.

## 6. Committee on Health

Wednesday June 10<sup>th</sup>, 2020 from 12:00 p.m. - 6:00 p.m.

Public testimony regarding the budgets for the following agencies:

- Office of the Deputy Mayor for Health and Human Services
- Department of Health Care Finance
- Department of Health (D.C. Health)
- Department of Behavioral Health
- Not-for-Profit Hospital Corporation (United Medical Center)
- D.C. Health Benefit Exchange Authority

Persons wishing to provide oral testimony regarding the proposed budget of any of the foregoing agencies should contact Malcolm Cameron, Legislative Analyst of the Committee on Health by e-mail at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or by phone at (202) 341-4425 by no later than 5:00 p.m. on Friday, May 29, 2020. You may also send an e-mail indicating that you wish to view the hearing in Zoom, but that you do not intend to provide oral testimony. When sending an e-mail or leaving a voicemail please provide Mr. Cameron with the following information:

- Your first and last name,
- The name of the organization you are representing (if any),
- Your e-mail address,
- Your device name (if you are using video),
- Your phone number, and
- The names of the agency or agencies that your oral testimony will discuss, or alternatively, if you intend to only view or listen to hearing, but do not intend to testify, please indicate that you will not be testifying.

Mr. Cameron will e-mail a confirmation of your attendance with an agenda, witness list, and attached instructions for accessing the video conference hearing by 5:00 p.m. on June 1, 2020. If you do not receive a confirmation of your attendance, please contact Mr. Cameron by 5:00 p.m. on June 3, 2020. Oral testimony will be strictly limited to three minutes to allow everyone an opportunity to testify. Individuals will be listed approximately in the order that they sign up to testify but will be grouped in panels of four by the agency budget they are testifying about. Due to technological limitations during the COVID-19 pandemic, only the first six hours of the hearing will be broadcasted live, however, the hearing will continue until all witnesses who have signed up have an opportunity to testify.

Persons may also leave oral testimony by calling the Committee on Health's Google Voice number at (202) 350 - 1828. An automated transcript of your message will be attached as written testimony to the Committee on Health's Fiscal Year 2021 budget report. Please note that the automated transcription process is not perfect, so there may be some typographical errors in the transcript. You have the option to leave an anonymous message, but if you would

like to be identified, at the beginning of the message please: state your name, spell your name, provide the name of the organization you are representing (if any), and then begin your testimony. Google voicemails are automatically limited to three minutes. The deadline for providing oral testimony by Google Voice is 5:00 p.m. on Saturday, June 6, 2020.

Persons wishing to provide written testimony regarding the proposed budget of any of the foregoing agencies should e-mail their written testimony to Malcolm Cameron, Legislative Analyst of the Committee on Health at mcameron@dccouncil.us by no later than 5:00 p.m. on Saturday, June 6, 2020. Any testimony provided after this time will not be made part of the official Committee report. The Committee staff will circulate all written testimony prior to the public hearing to all Councilmembers and staff. Please indicate specifically that you are submitting testimony, preferably, in the subject line of the e-mail. The Committee also welcomes e-mails commenting on the Mayor's proposed budget, however, these are not included in the official Committee report.

#### **7. Committee on Housing and Neighborhood Revitalization**

Public witnesses should submit their testimonies to housing@dccouncil.us or by calling 202-350-0894 and leaving a message, which will be transcribed and added to the hearing record. Public witnesses who plan to call into the hearing should email their written testimonies to housing@dccouncil.us.

#### **8. Committee on Human Services**

The Committee strongly encourages all members of the public to submit written testimony for the Committee on Human Services' budget oversight hearing. For individuals that submit written testimony, the Committee on Human Services will make sure it is made part of the official record. Copies of written statements should be submitted either to the Committee at humanservices@dccouncil.us. Additionally, witnesses may submit testimony by voicemail at 202-350-1927. Transcripts of these voicemails will be incorporated into the public record. If testimony is provided to the Committee by the date of the public witness hearing, the Committee will make its best efforts to incorporate questions into its Q&A with the relevant agency heads. Otherwise, the opportunity to submit written testimony for the record will close on **1 week after the public witness hearing**.

Anyone wishing to testify at the budget oversight hearing should contact the Committee via email at humanservices@dccouncil.us or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business 4 days before each hearing date**. The Committee will follow-up with additional instructions on how to effectively provide testimony through a web conferencing platform.

The first 90 individuals that signup to testify will provide oral testimony. Everyone else will be asked to provide testimony in writing **or** by voicemail. **All** witnesses will be permitted to testify only once for 3 minutes. Only one witness representing an organization will be permitted to testify per agency.

**9. Committee on the Judiciary and Public Safety**

The Committee on the Judiciary and Public Safety's budget oversight hearings will be held using Zoom and will only include government witnesses. Members of the public will be offered the following opportunities to provide audio, video, and written testimony for the record. Audio testimony from any member of the public may be provided using the Council-provided Committee Google Voice number at 202-350-1362. The Committee will establish a method for submitting video testimony, and instructions will be made available on <http://www.charlesallenward6.com/committee>. Written testimony may be emailed to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us), and members of the public are encouraged to also email proposed oversight questions for government witnesses for the Committee Chairperson's consideration in advance of the relevant agency's hearing. In addition, the Committee will identify additional opportunities for public feedback, such as a Facebook Live event, with details forthcoming on <http://www.charlesallenward6.com>. The Committee will accept testimony for all agencies under its jurisdiction for the duration of the budget oversight hearing period, May 14 through June 8.

**10. Committee on Labor and Workforce Development**

The Committee on Labor and Workforce Development will hold a budget hearing to hear from public witnesses regarding any agency within the Committee's jurisdiction. The hearing will be held virtually; witnesses may participate by phone or online. Those who wish to testify must email the Committee at [labor@dccouncil.us](mailto:labor@dccouncil.us) by Friday, May 15, 2020, by 10:00 a.m. to provide their name, email address, telephone number, organizational affiliation and job title (if any), as well as the language of oral interpretation, if any, they require. Note that due to limited space, the Committee will likely not be able to accommodate all requests to testify.

The Committee will email instructions on how to participate to those who have signed up by 10 a.m. on Friday, May 15. The virtual hearing will be password protected, and witnesses *may not* share the password. Only witnesses who have signed up by 10 a.m. on Friday, May 15 will be permitted to participate.

The Committee encourages only one witness to testify per organization; however, one staff member and one program participant would be acceptable. Witnesses will have three minutes to present their testimony. Those with written testimony are encouraged to email their testimony two days in advance of the hearing to [labor@dccouncil.us](mailto:labor@dccouncil.us).

Written statements will be made a part of the official record, and anyone unable to testify by phone or video may submit written testimony by emailing [labor@dccouncil.us](mailto:labor@dccouncil.us) or by calling 202-455-0153 and leaving a message, which will be transcribed and added to the hearing record by the close of the hearing record at 5:00 p.m. on Monday, June 1, 2020.

**11. Committee on Recreation and Youth Affairs**

Individuals will be allowed 1 minute to testify, and organizations will be allowed 2 minutes to testify. Only one representative from an organization will be allowed to testify. We will accept

testimony for a week after each hearing. Anyone wishing to testify can sign up/submit by emailing [rya@dccouncil.us](mailto:rya@dccouncil.us). You may also submit testimony by calling 202-350-1639 and leaving a message that will be transcribed for the record.

## **12. Committee on Transportation**

Due to the unusual circumstances surrounding this year's budget, the Committee on Transportation and the Environment will be accepting public testimony for agencies under the Committee's jurisdiction in written form only. The public may submit written testimony to the Committee by e-mailing the testimony to the Committee Clerk, Aukima Benjamin, at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). You may also submit testimony by calling 202-350-1344 and leaving a message that will be transcribed for the record.

Testimony will be accepted through the close of the hearing record, which will be one week after the hearing date; however, the Committee encourages the public to submit testimony at least 24-hours in advance of the hearing. Testimony submitted in advance will be shared with members of the Committee and Agency staff prior to the hearing date and inform the discussion at the hearing.

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

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES PUBLIC HEARING

on

**Mayor's Proposed Fiscal Year 2021 Budget Legislation:**

**Fiscal Year 2021 Local Budget Act of 2020**  
**Fiscal Year 2021 Federal Portion Budget Request Act of 2020**  
**Fiscal Year 2021 Budget Support Act of 2020**  
**Fiscal Year 2020 First Revised Local Budget Emergency Act of 2020**  
**Fiscal Year 2020 Second Revised Local Budget Emergency Act of 2020**

on

**Tuesday, May 19, 2020 at Noon**  
**Wednesday, May 20, 2020 at 9:00 a.m.**

**Live via Zoom Video Conference Broadcast**  
**Council Channel 13 (Cable Television Providers)**  
**DC Council Website (www.dccouncil.us)**

Council Chairman Phil Mendelson announces a public hearing before the Committee of Whole on the Mayor's Proposed Fiscal Year 2021 Budget and accompanying legislation. The hearing will be held beginning on **Tuesday, May 19, 2020 at noon and continuing on Wednesday, May 20, 2020 at 9:00 a.m.** to receive testimony from the Executive and from public witnesses.

Due to the COVID-19 public health emergency declaration, the hearing will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Because of this, written or transcribed testimony from the public regarding the Fiscal Year 2021 budget is **highly encouraged** and will be taken by email or voice mail. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or may be left by voice mail (up to 3 minutes) – **which will be transcribed** – by calling (202) 743-1269. Testimony received by close of business on **Monday, May 18, 2020** will be posted publicly to <http://www.chairmanmendelson.com/FY2021> prior to the hearing. The record will close at 5:00 p.m. on June 26, 2020.

Members of the public wishing to testify live via the Zoom meeting must email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us) and provide your preferred call in day, name, telephone number, organizational affiliation and title (if any) by close of business **Friday, May 15, 2020**. The Committee and will provide each witness a phone number, access instructions, and time to call in to provide testimony. **Those providing live testimony will be limited to 2 minutes;** slightly longer may be permitted if prior arranged. Only 1 member from each organization may provide live testimony. The witness list detailing the panels will be circulated by close of business on May 18, 2020. All testimony received via email, voice mail, or phone will be made part of the official record.

Please note that in addition to this hearing, each Council committee will hold separate budget oversight hearings or roundtables for agencies under their purview through May and early June. Information on those hearings and their format can be found in separate notice on the Council website (<http://www.dccouncil.us>) and in the D.C. Register. The Mayor's proposed budget will be available on or about **May 12, 2020** through the Office of the Chief Financial Officer at <http://cfo.dc.gov/budget>. More information on the budget will be made available at <http://www.dccouncilbudget.com>.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON FACILITIES AND PROCUREMENT**

ROBERT C. WHITE, JR., CHAIR

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**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE****on****The Proposed Contract with Sagitec Solutions, LLC (CA23-0479)**Monday, May 4<sup>th</sup>, 2020  
10:00 AM

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On Monday, May 4<sup>th</sup>, 2020, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement will hold a public oversight roundtable on the Proposed Contract with Sagitec Solutions, LLC (CA23-0479). The public oversight roundtable will take place via a web conferencing platform at 10:00 AM. Members of the public will be able to view the public oversight roundtable via DCC (Channel 13) or online at: <https://dccouncil.us/council-videos/> or at: [entertainment.dc.gov](https://entertainment.dc.gov).

The proposed contract with Sagitec Solutions, LLC in the amount of \$9,278,058.35 would provide the District with a modernized technology solution that will allow the District's Department of Employment Services to process tax information relating to the District's Unemployment Tax Insurance program and fully satisfy federal and state tax processing mandates. The contract was filed in the Office of the Secretary on April 1, 2020.

On April 10, 2020, Councilmembers R. White, Grosso, and Chairman Mendelson filed PR23-0786, "Sagitec Solutions, LLC Contract No. CW75765 Disapproval Resolution of 2020" extending the Council's review period for CA23-0479 to 45 days starting on Thursday, April 2, 2020. The proposed contract will be deemed approved on Sunday, May 17, 2020, unless the Council adopts a disapproval or approval resolution prior to that time.

The Committee invites the public to testify remotely or to submit written testimony. Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by phone at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **the close of business on Thursday, April 30<sup>th</sup>, 2020**. Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to [facilities@dccouncil.us](mailto:facilities@dccouncil.us). Witnesses will participate remotely and using audio only. The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.

All public witnesses will be allowed a maximum of four minutes to testify, while Advisory Neighborhood Commissioners will be permitted five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced.

The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted either by e-mail at [facilities@dccouncil.us](mailto:facilities@dccouncil.us). **The record for this public oversight roundtable will close at the close of business on Monday, May 18<sup>th</sup>, 2020.**



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

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

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

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

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**GBM 23-76:** **FY 2020 Grant Budget Modifications of April 6, 2020**

RECEIVED: 2-day review begins April 23, 2020

**GBM 23-77:** **FY 2020 Grant Budget Modifications of March 31, 2020**

RECEIVED: 2-day review begins April 23, 2020

**GBM 23-78:** **FY 2020 Grant Budget Modifications of April 20, 2020**

RECEIVED: 2-day review begins April 28, 2020

**GBM 23-79:** **FY 2020 Grant Budget Modifications of April 22, 2020**

RECEIVED: 2-day review begins April 28, 2020

**GBM 23-80:** **FY 2020 Grant Budget Modifications of April 20, 2020**

RECEIVED: 2-day review begins April 28, 2020

Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 23-788, the “Local Rent Supplement Program Contract No. 2019-LRSP-04A Approval Resolution of 2020” to allow for the proposed resolution to be considered at a regular legislative meeting on May 5, 2020.

Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

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**ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 23-789, the “Local Rent Supplement Program Contract No. 2019-LRSP-03 Approval Resolution of 2020” to allow for the proposed resolution to be considered at a regular legislative meeting on May 5, 2020.

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

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, 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 adoption of the following amendment to Chapter 92 (Teaching Licenses for Dentistry and Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for individuals licensed to teach dentistry or dental hygiene in the District of Columbia to include continuing education in public health priorities as determined and amended from time to time by the Director, decrease the required number of hours in ethics for dentistry teaching licensees, increase the total required number of hours for dental hygiene teaching licensees, and allow for fifty percent (50%) of continuing education hours to be completed through online courses for both categories of licensees.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 22, 2019 at 66 DCR 015532. No comments were received in response to the Notice. No changes have been made to the rulemaking. These rules were adopted as final on February 24, 2020, and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 92, TEACHING LICENSES FOR DENTISTRY AND DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 9211, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:**

- 9211.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a teacher's license in dentistry or of a teacher's license in dental hygiene beginning with the licensure period ending December 31, 2019, and for subsequent terms.
- 9211.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 9212.
- 9211.3 For the licensure period ending December 31, 2019, an applicant for renewal of a teacher's license in dentistry shall submit proof pursuant to § 9211.18 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:
- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");

- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

9211.4 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a teacher’s license in dentistry shall submit proof pursuant to § 9211.18 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5); and
- (e) At least 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 every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9211.5 For the licensure period ending December 31, 2019, an applicant for renewal of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.18 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date the license expires, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;

- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

9211.6 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.18 of having completed twenty (20) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5); and
- (e) At least 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 every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9211.7 Each applicant for renewal, reactivation, or reinstatement of a teacher’s license in dentistry who is permitted by the Drug Enforcement Agency and the District of Columbia Pharmaceutical Control Division to prescribe controlled substances in the District shall complete two (2) hours of continuing education in the abuse and misuse of controlled substances, and in opioid prescription practices. This continuing education shall be part of the continuing education hours required under Subsections 9211.3 and 9211.4 of this chapter.

- 9211.8 Beginning with the licensure period ending December 31, 2021, not more than fifty percent (50%) of the Applicant's total continuing education requirements may be met through approved internet continuing education courses in any renewal period, or for reinstatement or reactivation of a license.
- 9211.9 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.
- 9211.10 For the licensure period ending December 31, 2019, to qualify for a teacher's license in dentistry, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 9211.18 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include at least:
- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
  - (b) Two (2) hours of infection control in approved continuing education programs;
  - (c) Two (2) hours of ethics in approved continuing education programs; and
  - (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5).
- 9211.11 Beginning with the licensure period ending December 31, 2021, to qualify for a teacher's license in dentistry, a person in inactive status pursuant to section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 9211.18 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include at least:
- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");

- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5); and
- (e) At least 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 every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9211.12 For the licensure period ending December 31, 2019, to qualify for a teacher’s license in dentistry, an applicant for reinstatement of a license shall submit proof pursuant to § 9211.18 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5).

9211.13 Beginning with the licensure period ending December 31, 2021, to qualify for a teacher’s license in dentistry, an applicant for reinstatement of a license shall submit proof pursuant to § 9211.18 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional



fifteen (15) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5); and
- (e) At least 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 every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9211.14

For the licensure period ending December 31, 2019, to qualify for a teacher’s license in dental hygiene, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 9211.18 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5).

9211.15 Beginning with the licensure period ending December 31, 2021, to qualify for a teacher’s license in dental hygiene, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 9211.18 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5); and
- (e) At least 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 every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9211.16 For the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.18 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;

- (c) One (1) hour of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5).

9211.17 Beginning with the licensure period ending December 31, 2021, to qualify for a license, an applicant for reinstatement of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.18 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training 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 D.C. Official Code § 3-1205.10 (b)(5); and
- (e) At least 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 every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9211.18 An applicant for a teacher’s license in dentistry or for a teacher’s license in dental hygiene shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;

- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

9211.19 An applicant for renewal of a teacher's license in dentistry or of a teacher's license in dental hygiene license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 9211.18 and by paying the required additional late fee.

9211.20 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

9211.21 If an applicant for renewal of a teacher's license in dentistry or of a teacher's license in dental hygiene fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.

9211.22 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the immediate family.

**D.C. DEPARTMENT OF HUMAN RESOURCES****NOTICE OF FINAL RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to the authority established in Mayor's Orders 2008-92, dated June 26, 2008 and 2019-033, dated May 7, 2019; Chapter 36 of Title 47 of the District of Columbia Official Code; and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-601.01 *et seq.* (2016 Repl. & 2019 Supp.)), and Council Proposed Resolution No. PR23-0343 (deemed approved on October 10, 2019), hereby gives notice of the adoption of the following amendments to Chapter 26 (Defined Contribution Pension Plan) of Title 6 (Personnel), Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

The rules amend Sections 2601 through 2607 of, and adds new Sections 2608 and 2609 to, Title 6-B DCMR Chapter 26, to align the language of the existing regulations governing the defined contribution program (401(a) Plan) with current statutory requirements. Amendments include: an alignment of the percentage of the District's minimum contribution to 401(a) Plan participants' accounts to five percent (5%) of an employee's basic annual salary for regular participants, and not less than five and a half percent (5.5%) of an employee's basic annual salary for detention officers; providing clarification that participants in the plan become partially vested after two (2) years of creditable service instead of five (5) years; the addition of new graded vesting schedule requirements; and revisions of outdated language in the existing provisions to be consistent with the defined contribution plan and existing law.

The rules also add Sections 2610 through 2619 of Title 6-B DCMR Chapter 26 to implement the District's deferred compensation plan (457(b) Plan). These new sections include automatic enrollment provisions that will require newly hired employees and rehired employees who are eligible to participate in the 457(b) Plan to be automatically enrolled as participants effective the date of their employment. All participants will be enrolled at five percent (5%) of their annual base salary as pre-tax contributions, until the participant elects to increase, reduce, or cease their contribution amount under the plan.

Finally, this rulemaking updates Section 2699 (Definitions) to revise existing definitions related to the 401(a) Plan and add new terms related to the 457(b) Plan.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 27, 2019 (66 DCR 016565). No public comments were received, and no changes have been made to the text of the rules as proposed. This rule was adopted as final on February 17, 2020, and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 26, DEFINED CONTRIBUTION PENSION PLAN, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:**

**The chapter heading is amended to read as follows:**

**CHAPTER 26 RETIREMENT BENEFITS**

**Sections 2601 through 2607 are amended to read as follows:**

**2601 DISTRICT RETIREMENT BENEFITS PROGRAM**

2601.1 The District retirement benefits program (“Program”) consists of:

- (a) A defined contribution plan pursuant to § 401(a) of the Internal Revenue Code (“IRC”);
- (b) A deferred compensation plan benefit, as provided in § 457(b) of the IRC; and
- (c) Social Security, as provided in Chapter 7 of Title 42 of the U.S. Code.

2601.2 Except for positions excluded by § 2603.10, the following employees who were first employed in the District government (“District”) after September 30, 1987, are eligible to participate in the Program:

- (a) All full-time permanent employees;
- (b) Part-time permanent employees who work at least thirty (30) hours per week; and
- (c) Term appointees of more than twelve (12) months.

2601.3 This chapter and the Program shall be implemented consistent with controlling provisions in the IRC and regulations issued to implement the IRC (federal regulations”). If any provision in this chapter conflicts with the IRC and federal regulations, the IRC and federal regulations shall control.

**2602 DISTRICT OF COLUMBIA DEFINED CONTRIBUTION PLAN**

2602.1 The District of Columbia Defined Contribution Plan (“401(a) Plan”) is designed to comply with the requirements §§ 401(a) and 501(a) of the IRC and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-626.01 *et seq.*) (the “Act”).

2602.2 There shall be established an irrevocable trust called the § 401(a) Trust (“Trust”), that shall be managed so as to be exempt from income tax under § 501(a) of the IRC. The funds contributed by the District under the 401(a) Plan shall be placed in the Trust. The assets of the Trust shall be administered by the Mayor.

- 2602.3 Contributions made to the Trust by the District are for the purpose of distributing the Trust's principal and income to employees in accordance with the 401(a) Plan.
- 2602.4 The 401(a) Plan shall be maintained for the exclusive benefit of employees or their beneficiaries covered under the Trust. There shall be no part of the principal or income of the Trust used for any other purpose before the satisfaction of 401(a) Plan liabilities.
- 2602.5 With the consent of the Administrator, the Trustee, or the Trustee's designee may accept rollover contributions to be held for the benefit of any participant in accordance with the 401(a) Plan Document.

### **2603 PARTICIPATION IN THE PLAN**

- 2603.1 Eligible employees (employees who are first employed in the District after September 30, 1987, in a benefit-eligible position in a covered employment as defined in § 2699 and who are not excluded from participation by law or regulation) are covered under the 401(a) Plan.
- 2603.2 The personnel authority shall enroll each eligible employee into the 401(a) Plan as a participant at the beginning of the first pay period immediately following the employee's completion of one (1) year of creditable service, provided the employee first completes the 401(a) Plan enrollment forms.
- 2603.3 A participant shall have a vested interest in his or her benefits in the 401(a) Plan as outlined in § 2605.1.
- 2603.4 A participant who ceases to be an eligible employee but remains employed with the District, shall resume participation in the 401(a) Plan on the first day of the first pay period that commences after he or she resumes service as an eligible employee.
- 2603.5 The Administrator shall suspend the participation in the 401(a) Plan of any participant who separates from service for more than three (3) workdays in accordance with the 401(a) Plan Document. The participant shall resume participation in the 401(a) Plan if reinstated, restored to duty or reemployed by the District in accordance with §§ 2603.7, 2603.8, or 2603.9. If a participant is not reemployed with the District within one (1) year of separation, except as provided in §§ 2603.8 and 2603.9, he or she shall be terminated from participation in the 401(a) Plan pursuant to § 2603.6 and his or her inactive account shall be forfeited and disposed of pursuant to § 2606.8.
- 2603.6 The Administrator shall terminate the participation in the 401(a) Plan for:
- (a) Each participant who does not have a vested interest in his or her benefits in accordance with § 2605.1 and who is separated from service for more than one (1) year, unless the participant is reemployed by the District in accordance with §§ 2603.8 or 2603.9; and

- (b) Each participant or former participant who has a vested interest in his or her benefits in accordance with § 2605.1, or his or her beneficiary, upon receipt of all benefits in his or her active or inactive account.

2603.7 A participant in the Plan who is removed or suspended without pay and later reinstated or restored to duty on the grounds that the removal or suspension was unwarranted or unjustified, shall be entitled to immediately resume accruing creditable service for purposes of vesting in the 401(a) Plan, or to resume participation in the 401(a) Plan, whichever is applicable, and to receive any creditable service which otherwise would have been credited pursuant to §§ 2604.1, 2604.2, and 2604.3. Appropriate increases shall be made in the Trust to reflect the District contributions that would have been made had the employee not been removed or suspended.

2603.8 A former employee who is reemployed by the District within one (1) year of the date of separation shall resume participation in the 401(a) Plan immediately, without a loss of prior creditable service or forfeiture of any contributions and income allocated to his or her basic contribution account, during that period of separation from service. If a vested participant receives any or all his or her benefits during the separation from service, then he or she shall be vested only for the following amounts upon reemployment:

- (a) Any remaining benefits in his or her basic contribution account;
- (b) Any income allocated to his or her basic contribution account during the period of separation; and
- (c) Any contributions and income allocated to his or her basic contribution account after the reemployment.

2603.9 Except as provided in § 2603.7, a participant, whether or not his or her interest in benefits has vested, who is reemployed by the District after a separation from service for more than one (1) year, must satisfy the requirements of §§ 2603.1 and 2603.2 to become eligible to participate in the 401(a) Plan, and must also satisfy the requirements of § 2605.1 to become vested in the 401(a) Plan with respect to any contributions and income allocated to his or her basic contribution account after such reemployment. If an employee has met the vesting schedule requirements in accordance with § 2605.1 prior to the separation from service, then he or she shall remain vested as to any remaining benefits, and income thereon, in his or her basic contribution account at the time of such reemployment.

2603.10 The following types of employment are “non-covered employment” for purposes of the 401(a) Plan:



- (a) Any position when the employee serves under an appointment of one (1) year or less, except when the appointment follows service in a covered position by a break in service of three (3) days or less;
- (b) Any position when the employee serves without an assigned tour of duty;
- (c) Any position held by a summer youth employee;
- (d) Any position that is not paid according to a District pay schedule and that is held by a patient or a resident in a hospital, home, or penal or mental institution of the District;
- (e) Any position when the employee is paid on a contract or fee basis;
- (f) Any student-employee who receives a stipend and is assigned or attached primarily for training purposes to a hospital, clinic, or laboratory operated by the District;
- (g) A police officer or firefighter who is covered under the D.C. Police and Firefighters' Retirement Plan pursuant to D.C. Official Code § 5-701(1)(A) (2019 Repl.);
- (h) An employee who is covered under the D.C. Teachers' Retirement Plan as specified in D.C. Official Code § 38-2021.13 (2018 Repl.);
- (i) An employee at the University of the District of Columbia (University) who is covered under the University's IRC § 403(b) savings plan;
- (j) A substitute or evening school teacher, pursuant to D.C. Official Code § 38-2021.13 (2018 Repl.);
- (k) A judge or Executive Officer employed at the District of Columbia Court of Appeals or the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, Police Court, Municipal Court, Municipal Court of Appeals, or District of Columbia Court of General Sessions; and
- (l) Any other service performed in a position deemed to be non-covered employment pursuant to the Act, this chapter, or the 401(a) Plan Document.

2603.11

Each participant's account shall be charged with its proportionate share of any expenses paid from the 401(a) Plan and shall also include any functional subaccounts as may be established by the Administrator from time to time. To the extent that the Administrator determines that a functional subaccount no longer needs to be maintained, such functional subaccount may be combined with another functional subaccount. The functional subaccounts are as follows: (1) Basic Contribution Account or (2) Rollover Contribution Account.

**2604 CREDITABLE SERVICE**

- 2604.1 Creditable service shall be measured for an eligible employee from the date the employee's eligible service under § 2601.2 begins until the date of the employee's separation from that eligible service.
- 2604.2 Eligibility and vesting in the 401(a) Plan shall be based on a participant's total number of years and months of creditable service, including any fractional parts of a calendar month. With respect to any fractional parts of a calendar month, thirty (30) calendar days shall equal one (1) calendar month.
- 2604.3 Service in any covered employment for less than twelve (12) months shall be counted as creditable service towards satisfying the one (1) year of creditable service for participation in the 401(a) Plan if the employee is placed in another position that qualifies as eligible service under § 2601.2 within three (3) workdays of terminating service in the previous covered position.
- 2604.4 An employee shall accrue creditable service for all the following purposes:
- (a) To qualify for 401(a) Plan participation, in accordance with §§ 2603.1 and 2603.2;
  - (b) To determine when the interest of an employee in his or her account shall vest in accordance with § 2605.1; and
  - (c) To determine when contributions are to be paid to the Trust on behalf of an employee in accordance with §§ 2603.1 and 2606.1.
- 2604.5 Creditable service shall not include any of the following:
- (a) When an employee is removed or suspended from service or is in an unauthorized leave without pay status for a period that exceeds thirty (30) workdays in a calendar year, except as specified in § 2603.7;
  - (b) Any portion of an authorized leave of absence without pay that exceeds two (2) years, except for military leave or furlough as authorized under applicable law or regulations;
  - (c) Any service performed in non-covered employment, as defined by § 2603.10;
  - (d) Any prior service of an employee who was employed less than one (1) year if the employee was separated from service for more than three (3) workdays, except as provided in §§ 2603.7 and 2603.8;
  - (e) Any prior service of an employee participant reemployed by the District after a separation from service of more than one (1) year, except as provided for in § 2603.9;

- (f) Any annual or sick leave accrued by an employee prior to his or her separation from service; and
- (g) Any service otherwise excluded from creditable service by law, regulations, or the 401(a) Plan Document.

**2605 VESTING REQUIREMENTS**

2605.1 A participant shall become fully vested in his or her benefits in the 401(a) Plan when the employee:

- (a) Attains age sixty-five (65) and separates prior to meeting the vesting requirement;
- (b) Becomes entitled to disability benefits under the Social Security Act;
- (c) Dies while employed with the District; or
- (d) Prior to December 8, 2009, completes five (5) years of creditable service in covered employment.

2605.2 Effective December 8, 2009, a participant who is not vested in the 401(a) Plan under the terms set out in § 2605.1, shall become partially and fully vested in his or her benefits in the Plan according to the following schedule:

Years of Creditable Service	Vested Percentage
Less than 2	0%
2	20%
3	40%
4	60%
5 or more	100%

**2606 DISTRICT CONTRIBUTIONS TO THE TRUST**

2606.1 The District shall make contributions on no less than a quarterly basis to the Trust in an amount equal to the sum of the amounts calculated in accordance with §§ 2606.2 and 2606.3, which shall be allocated to the active account of each participant subject to the limitations on contributions as established by 26 USC § 415.

2606.2 The District shall contribute to the Trust an amount equal to five percent (5%) of the base salary of each employee participating in the 401(a) Plan, except in the case of detention officers, the District shall contribute no less than five and a half percent (5.5%) of the base salary of each participant.

2606.3 The District shall only make contributions that are consistent with the Act, this chapter, and the 401(a) Plan Document. The District shall not make contributions for any of the following:

- (a) Employees who have not attained one (1) year of creditable service;

- (b) Any period when the participant performs service in non-covered employment, as defined by § 2603.10;
- (c) Any period when a participant is in a non-pay status;
- (d) Any period when a participant has been removed or suspended from service without pay, except as provided for in § 2603.7;
- (e) Any period when the participant is separated from service in excess of three (3) workdays, except as provided in §§ 2603.7 and 2603.8; and
- (f) Any participant whose is not eligible to participate in the 401(a) Plan pursuant to the Act, this chapter, or 401(a) Plan Document.

- 2606.4 A participant is neither required nor permitted to make payments to the Trust.
- 2606.5 A participant shall have no right to any contributions or income allocated to his or her active account, until the participant becomes vested in accordance with § 2605.
- 2606.6 If a participant separates from the District prior to attaining the vesting requirements of § 2605, no contributions shall be allocated to his or her active account during the period of separation, and all contributions and income previously allocated to his or her active account shall be transferred to an inactive account during the period of separation.
- 2606.7 If the former participant is reemployed with the District in accordance with § 2603.7 or § 2603.8, all contributions and income transferred to an inactive account shall be reinstated to the participant and transferred back to an active account.
- 2606.8 If a participant separates from the District prior to attaining the vesting requirements of § 2605 and is not reemployed in the District in accordance with §§ 2603.7 or 2603.8, then his or her contributions and income that were transferred to an inactive account shall be forfeited.
- 2606.9 The Trustee shall return to the District contributions that were made to the Trust, and any income thereon, if:
- (a) The 401(a) Plan does not qualify under IRC §§ 401(a) and 501(a);
  - (b) The contributions or income have been allocated to any active or inactive account under a mistake of fact; or
  - (c) Any funds remain in the Trust after the 401(a) Plan has terminated and all liabilities of the Trust have been satisfied.
- 2606.10 No contributions to the Trust, nor any income earned thereon, shall be used for or diverted for purposes other than the exclusive benefit of the participants, former participants, and their beneficiaries, prior to the satisfaction of all liabilities to the participants, former participants, and beneficiaries.

**2607 DISTRIBUTION AND FORFEITURE OF BENEFITS UNDER THE 401(a) PLAN**

- 2607.1 Except as provided in Subsection 2607.2, a participant who has separated from the District and who has not met the two (2) years of creditable service required for vesting in a 401(a) Plan account under § 2605, shall have those contributions forfeited and shall not receive a distribution of benefits. The contributions shall be restored if the participant is rehired within one (1) year after the date of separation, as provided in § 2603.8.
- 2607.2 A participant who has separated from the District and who has not met the two (2) years of creditable service required for vesting in a 401(a) Plan account under § 2605, but who has attained age sixty-five (65) prior to separating from the District, separated from the District due to disability, or has separated from the District due to the participant's death, shall become fully vested as a participant.
- 2607.3 Upon written request, a vested participant or former participant, or beneficiary, who separates from service, becomes disabled, or dies shall receive vested 401(a) Plan benefits distributed in a lump sum payment unless a different distribution option is elected pursuant to § 2607.5. The lump sum payment shall be made as soon as administratively feasible after satisfactory proof has been submitted, but in no more than sixty (60) days after the end of the quarter during which the separation from service, disability, or death occurs.
- 2607.4 If a participant dies prior to the commencement of a distribution of benefits, the benefits shall be distributed to the beneficiary in accordance with the 401(a) Plan Document.
- 2607.5 A vested participant, former participant, or beneficiary, may elect to have vested 401(a) Plan benefits distributed, as provided by the 401(a) Plan, pursuant to the limitations set forth in IRC § 401(a)(9), in one or a combination of the following:
- (a) Single life annuity;
  - (b) Joint and survivor annuity made over the joint lives of the participant and a beneficiary;
  - (c) Periodic annuity for a certain number of years without a life contingency;
  - (d) Installments of substantially equal amounts for a specific period, not to exceed the life expectancy of the employee or beneficiary; or
  - (e) A lump sum.
- 2607.6 Notwithstanding any other provisions of the 401(a) Plan Document, distributions under § 2607.5 shall be in accordance with § 2607.3 and IRC § 401(a)(9).

- 2607.7 A vested participant, former participant, or beneficiary of a 401(a) Plan account (excluding rollover contribution) of one thousand dollars (\$1,000) or more, must submit a written request for distribution of benefits. A 401(a) Plan account of less than one thousand dollars (\$1,000) (excluding rollover contributions) may be paid out without the participant's or beneficiary's consent.
- 2607.8 In no event shall the distribution of benefits to a participant or former participant, commence later than April 1 of the calendar year following the year in which he or she retires or terminates employment, or attains the age of seventy and one-half (70½), or by such other age, if any, that the Internal Revenue Service (IRS) may establish which is applicable to qualified plans under IRC § 401(a).
- 2607.9 Prior to any distribution of benefits from the 401(a) Plan to a former employee, the former participant must attest to his or her employment status with the District government and his or her marital or domestic partnership status and, if married or in a domestic partnership, submit written consent, witnessed by a notary public, from his or her spouse or domestic partner, to any distribution of benefits, unless it is established to the satisfaction of the Administrator that this consent cannot be obtained due to incompetence, incapacitation, or unavailability of the spouse or domestic partner.
- 2607.10 If a participant, former participant, or beneficiary elects to have benefits distributed in accordance with § 2607.5, his or her active account shall be transferred to an inactive account during the period for which benefits are to be distributed.
- 2607.11 If a former participant dies after the commencement of a distribution of benefits, distribution of any remaining benefits shall be to the beneficiary of the former participant in accordance with the 401(a) Plan Document.
- 2607.12 If a participant becomes disabled prior to a separation from service, benefits shall be distributed to the employee in accordance with the 401(a) Plan Document.
- 2607.13 If a participant or former participant dies without designating a beneficiary, distribution of any remaining benefits shall be in accordance with the 401(a) Plan Document.
- 2607.14 A participant or former participant who is married or in a domestic partnership may only designate a beneficiary other than his or her spouse or domestic partner upon the written attested consent of the spouse or domestic partner, unless it is established to the satisfaction of the Administrator that this consent cannot be obtained due to incompetence, incapacitation, or unavailability of the spouse or domestic partner.
- 2607.15 A participant who dies while performing qualified military service (as defined in 26 USC § 414(u)(5)) on or after January 1, 2007, shall be treated as if the participant resumed employment the day before death and terminated employment on the actual date of death. The account shall be payable to designated beneficiary.

- 2607.16 An employee of the Fire and Emergency Medical Services Department holding a valid certificate as a paramedic, serving as an emergency medical technician, or serving as a hazards or emergency medical services specialist, who is appointed to serve as a uniformed firefighter position may elect to transfer his or her 401(a) Plan account to the D.C. Police Officers' and Firefighters' Retirement Fund.
- 2607.17 A participant who is at least age seventy and a half (70½) years may request a non-hardship withdrawal from his or her 401(a) Plan account as follows:
- (a) The withdrawal request may be made at any time;
  - (b) A minimum amount of one hundred dollars (\$100.00) may be withdrawn; unless the amount available is less than \$100.00; and
  - (c) The amount withdrawn shall be distributed from the participant's investment funds designated by the participant, provided that the designated investment funds hold a balance as of the withdrawal date sufficient to pay the full amount of the withdrawal request.

**New Sections 2608 through 2619 are added to read as follows:**

**2608 DEFINED CONTRIBUTION PLAN ADMINISTRATION**

- 2608.1 The 401(a) Plan is administered by the Chief Financial Officer for the District of Columbia (CFO). The Plan Document is available online at <https://www.icmarc.org/dc/forms-and-publications/publications.html> and contains the official summary description of the plan, its terms, and conditions.

**2609 MISCELLANEOUS PROVISIONS**

- 2609.1 Any payment of, or right to, benefits shall be non-assignable and non-alienable, except as provided in the 401(a) Plan Document or in § 2609.2.
- 2609.2 The payment of, or right to, benefits under the 401(a) Plan may be assigned to a non-participant pursuant to a legally enforceable qualified domestic relations order.
- 2609.3 The liability of the 401(a) Plan to any employee, former employee, or beneficiary with respect to the distribution of benefits shall be limited to his or her active or inactive account balance on the date of separation from service, disability, or death, and including any interest earned on the account balance.
- 2609.4 The District may amend or terminate the 401(a) Plan, provided that any amendment or termination shall not impair the rights of a vested employee or former employee, or his or her beneficiary, to receive any contributions, or interest earned on the account balance, allocated to his or her active or inactive account prior to the date of the termination or amendment of the 401(a) Plan.
- 2609.5 No vested benefits of participants, former participants, or beneficiaries shall be forfeited upon the termination of the 401(a) Plan.

2609.6 Direct transfer of eligible rollover distributions shall be made in accordance with 26 USC § 401(a)(31).

**2610 DISTRICT OF COLUMBIA DEFERRED COMPENSATION PLAN**

2610.1 The District established the District of Columbia Deferred Compensation Plan (“457(b) Plan”), which is an eligible deferred compensation plan under § 457(b) of the IRC.

2610.2 The 457(b) Plan is a tax-advantage retirement savings account that allows eligible employees to set aside a portion of their salary through payroll deductions on a pre-tax or after-tax basis into an account that is invested at the discretion of the employee in a manner approved by the District.

**2611 DEFERRED COMPENSATION – ELIGIBILITY**

2611.1 Except for positions excluded in § 2611.2, the following employees are eligible to participate in the 457(b) Plan:

- (a) All full-time permanent employees;
- (b) Part-time permanent employees who work at least thirty (30) hours per week; and
- (c) Term appointments of more than twelve (12) months.

2611.2 The following types of employees are in “non-covered employment” for purposes of the 457(b) Plan:

- (a) Employees serving in a temporary appointment of one (1) year or less;
- (b) Members of a board or commission whose pay is set under D.C. Official Code § 1-611.08;
- (c) Judges and Executive Officers employed by the District of Columbia Court of Appeals or the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, Police Court, Municipal Court, Municipal Court of Appeals, or District of Columbia Court of General Sessions;
- (d) Summer youth employees;
- (e) Student employees who receive a stipend and are assigned or attached primarily for training purposes to a hospital, clinic, or laboratory operated by the District government; and



- (f) Employees and other individuals who are paid on a contract or fee basis.

**2612 AUTOMATIC ENROLLMENT**

- 2612.1 All eligible employees newly hired or rehired (those employees who have had a break in service of three (3) consecutive workdays or more) on or after June 10, 2019, shall be automatically enrolled in the 457(b) Plan. All eligible employees hired or rehired before June 10, 2019, may elect to enroll in the 457(b) Plan as provided in § 2613.2.
- 2612.2 All participants who are automatically enrolled shall be deemed to have elected to defer five percent (5%) of their annual base salary, as pre-tax deferrals (“Default Deferrals”).
- 2612.3 Participants who are automatically enrolled may increase, reduce, or cease the amount of their deferrals to the 457(b) Plan at any time. An automatically enrolled participant who elects to cease deferrals during the first thirty (30) days of employment shall be entitled to a distribution under § 2612.6.
- 2612.4 Automatically enrolled participants shall be provided with written notification of the 457(b) Plan Automatic Enrollment policy by the effective date of their appointment. The notice shall explain:
- (a) The employee’s rights under the 457(b) Plan to designate how deferrals and earnings will be invested;
  - (b) How, in the absence of an investment election by the employee, such deferrals and earnings will be invested;
  - (c) The percentage of the employee’s base salary that will be deferred to the program;
  - (d) The employee’s right to increase, reduce, or cease his or her deferrals to the program;
  - (e) How an employee may elect investments and change or cease deferral amounts under the 457(b) Plan; and
  - (f) The employee’s right to make a permissive withdrawal from the Default Deferrals, and the procedures governing such withdrawals.
- 2612.5 Each automatically enrolled participant shall sign an acknowledgement that he or she received the written policy as specified in § 2612.4 of this section. A legal guardian’s signature is needed if the eligible participant is under eighteen (18) years of age.
- 2612.6 Automatically enrolled participants may elect, within thirty (30) calendar days after the first day of employment, to withdraw the Default Deferrals (as adjusted for

gains and losses to the date of distribution) made on his or her behalf to the 457(b) Plan. The withdrawal shall be processed, and any amounts owed shall be distributed to the participant, within sixty (60) calendar days after receipt of a request to withdraw the Default Deferrals. Any such withdrawal request will be treated as an affirmative election by the automatically enrolled participant to cease having Default Deferrals made on his or her behalf as of the date of the withdrawal request.

2612.7 Any deferrals, as adjusted for gains and losses, made by the District pursuant to § 2612.1 with respect to any Default Deferrals being withdrawn pursuant to § 2612.6 shall be forfeited.

2612.8 Default Deferrals made on behalf of automatically enrolled participants shall begin no later than the first pay period after the effective date of appointment.

### **2613 ELECTIVE ENROLLMENT; MODIFICATIONS TO ENROLLMENT**

2613.1 An employee who opts out of automatic enrollment under § 2612 may elect to participate in the 457(b) Plan after the end of the thirty (30) calendar days after the first day of employment. An employee who was not automatically enrolled in the 457(b) Plan may elect to participate in the 457(b) Plan at any time after the employee's date of hire.

2613.2 To participant, complete the Salary Deferral Agreement through the Employee Self-Service (ESS) in the PeopleSoft System. The agreement shall include:

- (a) The option of selecting pre-tax deferrals or after-tax (Roth) deferrals;
- (b) Amount of compensation to be deferred; and
- (c) Investment elections.

2613.3 An employee enrolled in the 457(b) Plan may change his or her deferral amounts by completing the Salary Deferral Agreement. The change to the deferral amounts shall take effect not earlier than the first day of the first pay period following the date when the Salary Deferral Agreement is executed.

2613.4 Participants shall have the option of electing through payroll deduction to make either pre-tax deferrals that will reduce their taxable income for the year, or after-tax deferrals (Roth deferrals) that will not reduce their taxable income for the year.

2613.5 Participants may elect to defer a minimum of twenty dollars (\$20) per pay period or forty-three dollars (\$43) per month.

2613.6 The maximum amount of compensation that a participant may defer through pre-tax and Roth deferrals under the 457(b) Plan in any taxable year shall not exceed the lesser of:

- (a) The applicable dollar amount under § 457(b)(2)(A) of the IRC, or
- (b) One hundred percent (100%) of the participant's base salary, as provided for in § 457(b)(2)(B) of the IRC.

2613.7 The 457(b) Plan special catch-up limitation allows a participant, for the last three (3) taxable years ending before a participant attains normal retirement age, to make contributions in excess of the limits set forth in § 2613.6. The maximum catch-up deferral amount shall be the lesser of:

- (a) Twice the maximum deferral dollar amount in effect under § 2613.6, or
- (b) An amount equal to:
  - (1) The aggregate § 2613.6 limitation for the current year, plus, and
  - (2) The portion of the primary limitation amount not utilized in prior taxable years in which the participant was eligible to participate in the 457(b) Plan. A participant may use a prior year only if the deferrals under the 457(b) Plan in existence during that year were subject to a maximum deferral amount.

2613.8 All participants who have attained age fifty (50) or over before the close of the 457(b) Plan year shall be eligible to make additional deferrals that exceed the maximum limitation for the 457(b) Plan year, in accordance with, and subject to the limitation of, 26 CFR § 1.414(v).

2613.9 Any deferrals to the 457(b) Plan account that exceed the amounts authorized by § 2613.6 shall be refunded to the participant in accordance with 26 CFR § 1.457-4(e).

## **2614 VOLUNTARY TERMINATION OF ENROLLMENT**

2614.1 A participant may cancel his or her participation in the 457(b) Plan at any time. This participant shall provide notification of his or her cancellation through the Employee Self Service function in the PeopleSoft system. A participant's cancellation shall take effect on the date of the request. An employee who previously cancelled his or her participation in the 457(b) Plan may subsequently recommence participation by completing the Salary Deferral Agreement through the Employee Self Service function in the PeopleSoft system.

## **2615 DISTRICT MATCHING CONTRIBUTION**

2615.1 For participants employed by the Council of the District of Columbia, Office of the District of Columbia Auditor, and the Office of Advisory Neighborhood Commissions, the District shall contribute an amount equal to an employee's deferrals to the 401(a) Plan each pay period not to exceed three percent (3%) of his or her base salary. The District does not make matching contributions to the 401(a) Plan accounts of other employees.

2615.2 Within forty-five (45) days after the end of each pay period, the District shall contribute deferrals to the Trust.

## **2616 INVESTMENTS**

2616.1 Participants shall be given an opportunity to direct investment of their respective 457(b) Plan accounts in one (1) or more of the investment funds offered by the 457(b) Plan.

2616.2 When a participant makes deferrals to the 457(b) Plan and has not directed that those deferrals be invested in any specific fund(s), his or her deferrals shall be invested in the default fund selected by the 457(b) Plan provider until additional instructions are provided by the participant.

## **2617 TRANSFERRING INVESTMENTS FROM OTHER ACCOUNTS**

2617.1 Participants in the 457(b) Plan may transfer amounts from other eligible 457(b) plans or 401(k) plans into their 457(b) Plan account.

## **2618 DISTRIBUTION OF BENEFITS**

2618.1 Participants may not withdraw funds from their account, except in the case of:

- (a) Separation from the District;
- (b) Death;
- (c) Attainment of age seventy and one-half (70½); or
- (d) A severe financial hardship, pursuant to § 2618.3.

2618.2 Roth deferrals and associated earnings can be withdrawn tax free if:

- (a) Five (5) years have passed since January 1 of the year of the participant's first Roth deferrals; and
- (b) The participant is at least fifty-nine and one-half (59½) years old (or disabled or deceased).

2618.3 Participants may request a distribution due to a severe financial hardship by applying for an emergency withdrawal using the "District of Columbia 457(b) Deferred Compensation Plan, Application for Unforeseeable Emergency Withdrawal Form," available at <http://www.dcretire.com>.

2618.4 Participants may elect the time when distributions under the 457(b) Plan will begin by designating the month and year the first distribution is to be made. The first distribution date that may be elected by the participant shall be the earlier of:

- (a) Thirty-one (31) days after separation from the District, or

(b) The date the participant attains age seventy and a half (70½).

2618.5 Notwithstanding § 2618.4, a distribution of a participant's account must be made no later than the first (1<sup>st</sup>) day of April following the calendar year in which the participant separates from the District or attains age seventy and a half (70½).

2618.6 Participants eligible to receive a distribution may choose from the following payment options:

(a) Lump sum payment;

(b) Installment payments for a designated period, including monthly, quarterly, semi-annual, and annual installment payments;

(c) Annuity payments; or

(d) Direct rollover to another employer-sponsored, eligible retirement plan or to a traditional IRA.

2618.7 If a participant dies before distribution of his or her account, then the beneficiary must submit a death certificate proving the death of the participant before distribution of the participant's account pursuant to § 2618.6.

## **2619 TERMINATING ENROLLMENT**

2619.1 A person's enrollment in the 457(b) Plan shall terminate when one (1) of the following occurs:

(a) The participant terminates employment with the District, or

(b) The participant ceases to be eligible to participate in the 457(b) Plan.

2619.2 A participant who ceases to be eligible to participate in the 457(b) Plan, but who remains an employee of the District, shall be entitled to withdraw all of the funds from his or her account upon termination of employment.

## **2620 DISTRICT OF COLUMBIA DEFERRED COMPENSATION PLAN ADMINISTRATION**

2620.1 The 457(b) Plan is jointly administered by the D.C. Department of Human Resources (DCHR) and the D.C. Office of the Chief Financial Officer, Office of Finance and Treasury (CFO).

2620.2 The 457(b) Plan Administrator provides for the administration of the plan, which includes but is not limited to:

(a) Enrollment of eligible employees as participants;

- (b) The maintenance of accounts and other records;
- (c) Periodic reports to participants; and
- (d) The distribution of benefits to Participants.

2620.3 The 457(b) Plan Administrator shall serve as an agent of the District for purposes of providing direction to the custodian of any custodial account from time to time as to the investment of the funds held in the custodial account, and the transfer of assets to or from the custodial account.

2620.4 Each Participant's account shall be charged with its proportionate share of any expenses paid from the 457(b) Plan and shall also include any functional subaccounts as may be established by the Administrator from time to time. To the extent that the Administrator determines that a functional subaccount no longer needs to be maintained, such functional subaccount may be combined with another functional subaccount. The functional subaccounts are as follows: (1) Basic Contribution Account or (2) Rollover Contribution Account.

**Section 2699, DEFINITION, is being amended to read as follows:**

**2699 DEFINITIONS**

2699.1 As used in this chapter the following meanings apply –

**Active account** – the bookkeeping account maintained for each participant to record his or her allocable share of contributions and deferrals, and related income earned, and administrative expenses, which has not been designated as an inactive account.

**Act** – the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code §§ 1-601.01 *et seq.* (2016 Repl.)).

**Administrative expenses** – the costs of administering the 401(a) and 457(b) Plans, including but not limited to any Trust expenses.

**Administrator** – the Chief Financial Officer (CFO) or the employees of the CFO who have the power to act for the CFO with respect to the administration of the 401(a) or the 457 Plan, as the context requires.

**Automatically Enrolled Participant** – a participant in the 457(b) Plan who is first hired or rehired on or after June 10, 2019.

**Base salary** – the base rate of pay paid to a participant, as established by a District of Columbia salary schedule, by statute or by the Mayor, excluding overtime, holiday, Sunday, compensatory time, hazard pay, environmental,

or night-shift differential pay, upon which contributions to the Plan shall be determined.

**Beneficiary** – the person(s) or legal entity or entities designated by the participant or former participant to receive any undistributed benefits that become payable in the event of the death of the participant or former participant.

**Benefits** – the amount in the active or inactive account of a vested participant or former participant, or his or her beneficiary, which is available for distribution upon separation from service, disability, or death.

**Benefit commencement date** – the date selected by the participant or beneficiary by designating the month and year during which the first distribution is to be made.

**Contribution** – the amount the District deposits into the Trust in accordance with § 2606.1 of this chapter.

**Covered employment** – service by any employee in any position, not specifically excluded as “non-covered employment,” pursuant to § 2603.10, which is:

- (a) Under the personnel authority of the Mayor;
- (b) Under the independent personnel authority of an executive agency that reports to the Mayor;
- (c) Under the personnel authority of the District of Columbia Courts when such courts participate in the 401(a) and 457(b) Plans with the approval of the Mayor; or
- (d) Under the personnel authority of an independent agency as defined in D.C. Official Code § 1-603.01 (2016 Repl.) when the independent agency participates in the 401(a) and 457(b) Plans with the approval of the Mayor.

**Covered position** – a permanent or term appointment of more than twelve (12) months position in the District government that includes benefits (*i.e.* health, life, retirement).

**Creditable service** – the period of employment to be recognized for purposes of eligibility for retirement benefits, as defined by § 2604.

**Detention officer** – an employee who is not covered by the Police and Fire Retirement System, whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against, or violation of, the laws of the United States or the District of Columbia, and whose duties may require frequent contact, supervision, inspection, training, employment, care, transportation, or rehabilitation of individuals in detention. The term includes:

- (a) Employees engaged in the activities listed above whom are transferred to a supervisory or administrative position;
- (b) Employees of the Department of Corrections, its industries, and utilities who are engaged in the activities listed above;
- (c) Employees of the Department of Youth Rehabilitation Services who are engaged in the activities listed above; and
- (d) Members of the Board of Parole, parole officers, and probation officers who are engaged in the activities listed above.

**Deferral** – the annual amount of compensation designated as a pre-tax deferral or after-tax (Roth) deferral that a participant elects to defer in the 457(b) Plan pursuant to a properly executed Salary Deferral Agreement.

**Disabled** – a condition which results in a participant being entitled to disability benefits within the meaning of the Social Security Act (42 USC §§ 416(i) and 423(d)).

**District** – the District government, including (a) subordinate agencies under the Mayor; (b) the District of Columbia Courts, and (c) any independent agency, if the courts or any independent agency duly accept 401(a) and/or 457(b) Plan(s), with the approval of the Mayor.

**District of Columbia Deferred Compensation Plan** – 457(b) Plan as provided pursuant to D.C. Official Code § 1-626.05(2) (2016 Repl.).

**District of Columbia Defined Contribution Plan** – 401(a) Plan as provided pursuant to D.C. Official Code § 1-626.05(3) (2016 Repl.).

**Domestic partner** – a person with whom an individual maintains a committed relationship as defined in D.C. Official Code § 32-702(a) (2019 Repl.).

**Employee** – an individual who performs a function of the District government and who receives compensation for the performance of such services.

**Former employee** – an employee who has separated from District government service.

**Inactive account** – the bookkeeping account maintained for each former participant for whom contributions and deferrals are no longer being made, and for each former participant or beneficiary who receives distributions, that records his or her allocable share of income and administrative expenses.



**Income** – the net increase or decrease of the Trust, as of each valuation date, resulting from realized and unrealized gains or losses, interest, dividends, and other investment earnings.

**Internal Revenue Code or IRC** - the Tax Reform Act of 1986, approved October 22, 1986 (100 Stat. 2085; 26 USC §§ 1 *et seq.*), as amended.

**Plan account** – a 401(a) or 457(b) account established and maintained for each participant to reflect the contributions and deferrals made by or for the benefit of the participant and the allocated or attributable income, gains and losses (whether or not realized).

**Plan document** – the 401(a) or 457(b) Plan document, as applicable, that outlines the process of how the District of Columbia Defined Contribution Plan or District of Columbia Deferred Compensation Plan is managed and maintained by the Administrator.

**Section 401(a) Trust** – a trust that qualifies under §§ 401(a) and 501(a) of the IRC, into which the District government’s contributions are deposited.

**Separation from service** – lawful termination of the employment relationship between an employee and the District government.

**Trustee** – the Chief Financial Officer (CFO), or any entity designated by the CFO to serve as trustee under the Trust. The term “Trustee” shall include custodian designated by the CFO under any custodial account.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**RM9-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING — COMMUNITY RENEWABLE ENERGY AMENDMENT ACT OF 2013,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code (D.C. Official Code) and in accordance with Section 2-505 of the D.C. Official Code,<sup>1</sup> of its final action adopting an amendment to Chapter 9 (Net Energy Metering), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR). The change presented in this Notice of Final Rulemaking shall be final upon publication in the *D.C. Register*.

2. On February 14, 2020, the Commission issued a Notice of Proposed Rulemaking indicating our intent to delete the word “directly” in Subsection 906.1 to eliminate the requirement that a community renewable energy facility (CREF) be directly connected with the Electric Company’s distribution system.<sup>2</sup> Given the District of Columbia’s (District) clean energy goals and policy directives to move aggressively towards a 100% renewable energy future, eliminating the direct connection could eventually facilitate the potential implementation of a virtual CREF, using a behind-the-meter configuration that does not require the facilities to be directly interconnected with the Electric Company’s distribution system, thus increasing renewable energy production in the District.

3. On March 13, 2020, the Maryland-DC-Delaware-Virginia Solar Energy Industries Association (MDV-SEIA) and the Department of Energy and Environment (DOEE) filed comments in support of the amendment. DOEE commends the Commission and notes that this rule amendment “will create more affordable CREFs by allowing them to connect behind-the-meter and to use metering solutions to allocate the benefits of solar generation, rather than relying on unnecessary physical infrastructure and direct interconnection to the distribution grid.”<sup>3</sup> Additionally, MDV-SEIA enthusiastically supports this amendment because this “would essentially allow a solar developer to interconnect an array in the manner congruent with a Net Energy Metered (NEM) system, while maintaining a CREF billing scheme, in which subscribers not located on the premises of the solar facility could subscribe to the allocated energy generated.”<sup>4</sup> The Commission approved the amendments as proposed in a vote at the April 22, 2020, Open Meeting, with the amendments becoming effective upon publication in the *D.C. Register*.

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<sup>1</sup> D.C. Official Code § 34-802 (2019 Repl.); D.C. Official Code § 2-505 (2016 Repl.).

<sup>2</sup> 67 DCR 001603-001604 (February 14, 2020).

<sup>3</sup> *RM9-2020-01, In the Matter of 15 DCMR Chapter 9 – Net Energy Metering – Community Renewable Energy Amendment Act of 2013 (“RM9-2020-01”)*, Department of Energy and Environment Comments in Response to Notice of Proposed Rulemaking RM9-2020-01, filed March 13, 2020.

<sup>4</sup> *RM9-2020-01*, Maryland-DC-Delaware-Virginia Solar Energy Industries Association Comments, filed March 13, 2020.

**Chapter 9, NET ENERGY METERING, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 906, COMMUNITY RENEWABLE ENERGY FACILITIES, Subsection 906.1, is amended as follows:**

906.1        A CREF: (a) shall be interconnected with the Electric Company's distribution system and shall execute an Interconnection Agreement and CREF Rider with the Electric Company; (b) may be built, owned or operated by a third party under contract with a Subscriber Organization; (c) may add capacity and Subscribers to its facility if the added capacity and Subscribers do not reduce the electrical production benefit to existing Subscribers or cause the CREF to exceed five (5) megawatts in capacity; and (d) may update its Subscribers no more frequently than once per quarter, by providing the following information about its Subscribers to the Electric Company: (i) name, address and account number of each Subscriber; and (ii) the percentage interest of each Subscriber in the capacity of the CREF. Under no circumstances shall a CREF sell Subscriptions totaling more than one hundred percent (100%) of its energy generation.

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

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1816.01 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption of amendments to Chapter 11 (Qualified High Technology Company), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The final regulations provide updated guidance related to legislative changes to wage credits for Qualified High Technology Companies.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on March 13, 2020 at 67 DCR 2933. No public comments were received.

This rule was adopted as final on April 13, 2020, and will take effect immediately upon publication of this notice in the *D.C. Register*.

**Chapter 11, QUALIFIED HIGH TECHNOLOGY COMPANY, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 1103, TAX CREDITS TO QHTCS: WAGES PAID TO QUALIFIED EMPLOYEES, is amended as follows:**

- 1103.1 For tax years beginning after December 31, 2000 and ending on or before December 31, 2019, a QHTC shall be allowed a credit against the tax imposed by D.C. Official Code § 47-1817.6 equal to ten percent (10%) of the wages paid during the first twenty-four (24) calendar months to a qualified employee who is employed in the District by the QHTC in any of the activities defined in D.C. Official Code § 47-1817.1(5)(A)(iii) and hired after December 31, 2000.
- 1103.2 For tax years beginning after December 31, 2019, a QHTC shall be allowed a credit against the tax imposed by D.C. Official Code § 47-1817.6 equal to five percent (5%) of the wages paid during the first twenty-four (24) calendar months to a qualified employee who is employed in the District by the QHTC in any of the activities defined in D.C. Official Code § 47-1817.1(5)(A)(iii) and hired after December 31, 2017.
- 1103.3 The applicable credit amount taken under § 1103.1 and § 1103.2, and as limited by § 1103.4 and § 1103.5 below, shall be based on the taxable year in which the credits are taken, not on the hire date of the relevant employee.

- 1103.4 For tax years beginning after December 31, 2000 and ending on or before December 31, 2019, the credit shall not exceed, for each qualified employee, five thousand dollars (\$5,000) in a taxable year.
- 1103.5 For tax years beginning after December 31, 2019, the credit shall not exceed, for each qualified employee, three thousand dollars (\$3,000) in a taxable year.
- 1103.6 The credit shall not be allowed if:
- (a) The employee is a key employee;
  - (b) The QHTC accords the qualified employee lesser benefits or rights than it accords other employees in similar jobs; or
  - (c) The qualified employee is employed as the result of:
    - (1) The displacement of another employee;
    - (2) A strike or lockout;
    - (3) A layoff in which other employees are awaiting recall; or
    - (4) A reduction of the regular wages, benefits, or rights of others in similar jobs.
- 1103.7 A credit allowable under this section may be carried forward for ten (10) years if:
- (a) The amount of the credit allowable under this section exceeds the tax otherwise due from a Qualified High Technology Company; and
  - (b) The amount of the credit allowable under this section was obtained for wages of a qualified employee hired before October 1, 2019.
- 1103.8 A credit allowable under this section obtained for wages of a qualified employee hired on or after October 1, 2019 shall not be carried forward.
- 1103.9 The following are examples of the application of §§ 1103.1 to 1103.5:
- (a) On January 1, 2019, Company D, a QHTC, hires ten (10) employees at an annual salary of \$40,000 each. Since the workers perform the activities described in D.C. Official Code § 47 -1817.1(5)(A)(iii); they are classified as qualified employees. None of the qualified employees are affected by the restrictions of § 1103.6. The annual payroll each year for the 10 qualified employees is \$400,000. For tax year 2019, Company D is entitled to a tax credit equal to 10% of the annual salaries of \$400,000 received by the 10 qualified employees, or \$40,000. For tax year 2020, Company D is entitled to a tax credit

equal to 5% of the annual salaries of \$400,000 received by the 10 qualified employees, or \$20,000, as § 1103.2 would apply.

- (b) Assume the same facts as in Example 1, except the annual payroll for each year is \$600,000. For tax year 2019, Company D is entitled to a tax credit of only \$5,000.00 for each qualified worker, or \$50,000, since the limitation of § 1103.4 would apply. For tax year 2020, Company D is entitled to a tax credit of only \$3,000.00 for each qualified worker, or \$30,000, since the limitation of § 1103.5 would apply.
- (c) Assume the same facts as in Example 1, except five (5) of the qualified employees are entry level and are paid \$30,000 each and 5 of the qualified employees are highly skilled and are paid \$70,000 each. For tax year 2020, the limitation of § 1103.2 applies to the 5-entry level qualified employees and the limitation of § 1103.5 applies to the highly skilled qualified employees. Therefore, Company D is entitled to a tax credit of \$22,500, calculated as follows: (1) the total annual wages paid to the entry level qualified employees is \$150,000 of which five percent (5%), or \$7,500, is available for the credit, (2) the total annual wages paid to the highly skilled qualified employees is \$350,000 and since the credit for each of the five highly skilled qualified employee exceeds \$3,000, only \$15,000 is available for the credit, (3) \$7,500 plus \$15,000 totals \$22,500.

## OFFICE OF TAX AND REVENUE

NOTICE OF FINAL RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1816.01 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption of amendments to Chapter 11 (Qualified High Technology Company), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The final regulations provide updated guidance related to legislative changes to applicable franchise tax rates for Qualified High Technology Companies.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on March 13, 2020 at 67 DCR 2936. No public comments were received.

This rule was adopted as final on April 13, 2020 and will take effect immediately upon publication of this notice in the *D.C. Register*.

**Chapter 11, QUALIFIED HIGH TECHNOLOGY COMPANY, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 1106, TAX ON QUALIFIED HIGH TECHNOLOGY COMPANIES, is amended as follows:**

**1106 TAX ON QUALIFIED HIGH TECHNOLOGY COMPANIES**

1106.1 For tax years ending on or before December 31, 2019, in lieu of the tax on taxable income imposed by D.C. Official Code § 47-1807.2, subject to the credits applicable thereto, a tax on taxable income at a rate of six percent (6%) shall be imposed upon QHTCs that are corporations except as modified by D.C. Official Code § 47-1817.06(a)(2)(A).

1106.2 For tax years beginning after December 31, 2019, a QHTC shall be allowed a credit against taxes imposed by § 47-1807.02 as follows:

- (a) The credit shall be allowed in an amount equal to the lesser of:
  - (1) \$250,000 per taxable year; or
  - (2) The difference between the amount of tax that would otherwise be due based on the applicable rate of tax imposed by § 47-1807.02 and the reduced rate of six percent (6%).
- (b) The credit shall be allowed for five (5) taxable years from the later of:

- (1) The tax year ending December 31, 2019 for annual year filers, or for fiscal year filers, the first tax year ending after December 31, 2019; or
  - (2) The last tax year the Qualified High Technology Company is eligible to receive an exemption under D.C. Official Code § 47-1817.06(a)(2).
- (c) After the expiration of the period outlined in paragraph (B), the QHTC will pay franchise tax at the general rate as required by D.C. Official Code § 47-1807.02.
- 1106.3 Notwithstanding § 1106.1 or §1106.2, a QHTC certified pursuant to § 47-1805.05 shall not be subject to tax imposed under Chapter 18 of Title 47 of the D.C. Official Code for five (5) taxable years from the first tax year that the QHTC has District taxable income. The total amount that each QHTC may receive in benefits under this paragraph shall not exceed fifteen million dollars (\$15,000,000). This \$15 million cap is cumulative and applies to all benefits received by a QHTC under D.C. Official Code § 47-1817.06(2) beginning from the original enactment of the program in 2001.
- 1106.4 *Examples.*
- (a) Newly Formed QHTC Example. Assume a QHTC that enters into business in the District for the first time in 2020, and has District taxable income for the first time in tax year 2021. The QHTC will be entitled to pay District franchise tax at a zero percent rate for 5 taxable years from tax year 2021, or until the cumulative franchise tax benefits received by the QHTC exceed \$15 million. Beginning in tax year 2026, the QHTC will be allowed the credit provided for under § 1106.2(B) for a period of 5 years.
  - (b) Existing QHTC Example. Assume a QHTC that entered into business in the District for the first time in 2017, had District taxable income for the first time in 2017, and has received \$2 million in QHTC franchise tax benefits. Under § 1106.3, the QHTC continues to be eligible for the 0% tax rate only through tax year 2021, so long as the cumulative benefits from the exemption do not exceed \$15 million. Thereafter, the QHTC would be eligible only for the credit allowable under § 1106.2.



- (c) Credit Calculation Example. Assume a QHTC entitled to the credit under § 1106.2 in a year in which its District taxable income was \$15 million and the franchise tax rate under § 47-1807.02 is 8.25%. In order to calculate the credit to which it is entitled, the QHTC must first determine the tax it would be required to pay on its District taxable income if it were not a QHTC by applying the standard franchise tax rate found in § 47-1807.02 to its District taxable income ( $\$15 \text{ million} \times 8.25\% = \$1,237,500$ ). The QHTC must then apply the QHTC reduced rate of six percent (6%) to the QHTC's District taxable income ( $\$15 \text{ million} \times 6\% = \$900,000$ ). The taxpayer must then compare the two tax due amounts to determine the difference ( $\$1,237,500 - \$900,000 = \$337,500$ ). Since the calculated difference of \$337,500 exceeds \$250,000, the taxpayer is entitled to a franchise tax credit of \$250,000.

1106.5 The transfer of ownership of a QHTC shall not affect the provisions of this section. If a transfer of ownership of a QHTC occurs, the benefits and limitations of this section shall continue to apply as if no transfer occurred. A QHTC which has exhausted the franchise tax benefits allowable under this chapter will not be entitled to additional benefits after a transfer of ownership.

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

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1816.01 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of adoption of amendments to Chapter 11 (Qualified High Technology Company), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The final regulations provide updated guidance related to the repeal of sales tax exemptions for Qualified High Technology Companies.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on March 13, 2020 at 67 DCR 2939. No public comments were received.

This rule was adopted as final on April 13, 2020, and will take effect immediately upon publication of this notice in the *D.C. Register*.

**Chapter 11, QUALIFIED HIGH TECHNOLOGY COMPANY, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 1111, SALES AND USE TAX EXEMPTION FOR QHTCS, is amended to read as follows:**

- 1111 SALES AND USE TAX EXEMPTION FOR QHTCS**
- 1111.1 Sales tax exemptions for sales by Qualified High Technology Companies under D.C. Official Code § 47-2001(n)(2)(G) are repealed effective October 1, 2019.
- 1111.2 Sales tax exemptions for sales to Qualified High Technology Companies under D.C. Official Code § 47-2005(31) are repealed effective October 1, 2019.
- 1111.3 All QHTC Exempt Purchases Certificates, regardless of the expiration date on the QHTC Exempt Purchases Certificate, are terminated as of October 1, 2019.

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

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1816.01 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of adoption of amendments to Chapter 11 (Qualified High Technology Company), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The final regulations provide updated guidance related to definitions related to Qualified High Technology Companies.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on March 13, 2020 at 67 DCR 2940. No public comments were received.

This rule was adopted as final on April 13, 2020, and will take effect immediately upon publication of this notice in the *D.C. Register*.

**Chapter 11, QUALIFIED HIGH TECHNOLOGY COMPANY, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:****Section 1199, DEFINITIONS, is amended as follows:**

1199.2 For purposes of D.C. Official Code § 47-1817.01(5)(A), the following terms and phrases shall have the meaning ascribed:

- (a) “Deriving at least 51% of its gross revenues earned in the District” shall require the taxpayer to receive its gross revenues as payment for directly performing or producing one or more of the QHTC services or products enumerated in D.C. Official Code § 47-1817.01(5)(A)(iii), not from mere use of technology in its business.
- (b) “Having 2 or more qualified employees in the District” shall require that the qualified employees spend the majority of their time working in an office owned or leased by the taxpayer in the District of Columbia and directly engaging in one or more of the activities enumerated in D.C. Official Code § 47-1817.01(5)(A)(iii).
- (c) “Leasing an office in the District of Columbia” shall require a written contract conveying real property for a specified term and for a specified rent where the lessee has continuous use of the premises during business and non-business hours. “Leasing an office in the District of Columbia” shall not include maintaining a virtual office, contracting for use of a co-working office space or a licensing

arrangement. A lease must be maintained for the entirety of the period for which QHTC status is sought.

- (d) “Office” shall mean a building, room, or series of rooms in which the affairs of the taxpayer are carried on, but will not include warehouses, garages, studios, trailers, temporary structures, outdoor space, equipment storage facilities, equipment rooms, home offices, or other similar locations.
- (e) “Owning an office in the District of Columbia” shall require the taxpayer to own real property in fee simple for the entirety of the tax year for which QHTC status is sought.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 47-874 and 47-1335 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 3 (Real Property Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment to Section 316 (Real Property Tax Sale Redemption and Tax Deed Issuance Rules) will amend the regulation to be consistent with the statute by requiring payment of the bill for tax deed within thirty (30) days of the final judgment. The proposed amendment to Section 336 (Fees) will update the schedule of fees and eliminate obsolete fee schedules.

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

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

**Section 316.10(c), of Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, is amended to read as follows:**

316.10

...

- (c) The Bill for Tax Deed shall be satisfied within 30 days of the final judgment and may include the following:
  - (1) a Real Property Tax Bill;
  - (2) BID tax bill;
  - (3) Vault Rent Bill; and
  - (4) Payoff Statements from subsequent and prior year tax sale purchasers.

**Subsection 336.1, of Section 336, FEES, is amended to read as follows:**

336.1

- (a) The following fees shall cover all services and materials for which a charge is imposed.

DESCRIPTION OF SERVICE	FEE
(1) Certificate of Taxes and Assessments Due	\$ 15.00
(2) REPEALED	
(3) Public Release Extract (on CD in Access format)	\$150.00

(4) Residential CAMA Extract (on CD in text format)	\$150.00
(5) Commercial CAMA Extract (on CD in text format)	\$150.00
(6) Condominium CAMA Extract (on CD in text format)	\$150.00
(7) Copying of Real Property Assessment Records (Property Record Cards, Sales Studies, Worksheets, etc.)	\$1.00 per side
	\$ 1.00 per side
(8) Assessor Reference Materials	\$ 75.00
(9) Tax Map (18" x 24")	\$ 30.00
(10) Tax Map (24" x 36")	\$ 30.00
(11) Radius Request	
200-499 feet	\$ 35.00
500-999 feet	\$ 40.00
1000 feet or more	\$100.00
(12) Pertinent Data Book	\$100.00

- (b) The copying charge for furnishing a property owner with a copy of OTR's response to the property owner's appeal to the Real Property Tax Appeals Commission shall be computed using the photocopying charges provided in 1 DCMR § 408. See D.C. Official Code § 47-825.01a(e)(2)(C)(ii)(II).
- (c) For search and copying charges associated with responding to Freedom of Information Requests, see 1 DCMR § 408.
- (d) No charge shall be made for providing copies of a taxpayer's own tax returns, transcripts of property tax bills, or certificates of good tax standing.

Comments on this proposed rulemaking should be submitted to Sonia Kamboh, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Sonia Kamboh may be contacted by: telephone at (202) 579-0741; or, email at [sonia.kamboh@dc.gov](mailto:sonia.kamboh@dc.gov). Copies of this rule and related information may be obtained by contacting Sonia Kamboh as stated herein.

## OFFICE OF TAX AND REVENUE

**NOTICE OF PROPOSED RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-874 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the intent to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Sections 327 (Taxation of Mixed Use Property), 328 (Application for Mixed Use Classification) and 329 (Time Limitations and Extensions of Time) are necessary to conform the filing dates to the current tax year and the property tax classifications to those currently in effect.

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

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

**Section 327, TAXATION OF MIXED USE PROPERTY, is amended to read as follows:**

- 327.1 The Deputy Chief Financial Officer shall make every effort to afford affected taxpayers the opportunity to apply and qualify for mixed use status, but it shall be the affected taxpayer's responsibility to inform the Deputy Chief Financial Officer of the existence of a mixed use property by properly completing and timely filing the mixed use form. The classes of property for tax purposes are set forth in D.C. Code § 47-813 and § 9903 of this title.
- 327.2 For the purposes of this chapter, an "affected taxpayer," is an owner of real property in the District who is required to file a mixed use form in accordance with the provisions of this section.
- 327.3 If any mixed use form is not submitted (postmarked) to the Deputy Chief Financial Officer on or before September 1st of the year in which such forms are mailed to affected taxpayers, or within the time extended by the Deputy Chief Financial Officer, or any mixed use form is timely submitted (postmarked) on or before September 1st, but is either inaccurate or incomplete and, after written notice from the Deputy Chief Financial Officer and, in the opinion of the Deputy Chief Financial Officer, remains inaccurate or incomplete, the Deputy Chief Financial Officer shall classify the affected taxpayer's real property as Class 2 Property for the next taxable year (October 1st-September 30th), subject to the

property being classified as Class 3 or Class 4.

- 327.4 The Deputy Chief Financial Officer shall notify affected taxpayers of Class 2 Property status which results because of the application of § 327.3 through the billing process or by any other method which is deemed appropriate.
- 327.5 Whenever the mixed use form or information sought under the form, or records or documents sought to completely and accurately inform the Deputy Chief Financial Officer as to the mixed use of the property are not submitted in the time provided for by this chapter, and it is shown to the Deputy Chief Financial Officer's satisfaction that the failure to provide the form, information, record, or document was due to reasonable cause and was not due to simple neglect, the Deputy Chief Financial Officer shall apportion the mixed uses of the property according to the best information available.

**Subsection 328.3, of Section 328, APPLICATION FOR MIXED USE CLASSIFICATION, is amended to read as follows:**

- 328.3 The mixed use form to be completed by affected taxpayers shall contain a request for the following general information with respect to the mixed use property for the reporting period in question:
- (a) Property identification, including but not limited to square, suffix, and lot;
  - (b) The square foot area of improved residential real property defined as Class One Property, if any, and the square foot area of improved real property defined as Class Three Property, if any, and the square foot area of improved real property defined as Class Four Property, if any. [Note: The classes of property for tax purposes are defined in Chapter 99 of this title and D.C. Official Code § 47-813.
  - (c) The total building area (square foot area) of Class 1 Property, if any, and Class 2 Property;
  - (d) The affected taxpayer's business registration number. The Deputy Chief Financial Officer may utilize this information for purposes of verifying that the taxpayer is subject to taxes imposed under the District of Columbia Code; and
  - (e) A certification from the owner or owner's agent that the information supplied on the mixed use form is complete and accurate and the date of certification.



**Section 329, TIME LIMITATIONS AND EXTENSIONS OF TIME, is amended to read as follows:**

- 329.1 The information required to be accurately completed on the mixed use form must be delivered to the Deputy Chief Financial Officer at the address provided on the form (or in any accompanying instructions) not later than September 1st of the year in which the forms are mailed to affected taxpayers.
- 329.2 Mixed use forms will be mailed to affected taxpayers approximately thirty (30) days prior to the due date provided for in § 329.1.
- 329.3 For the purposes of this section, the word “delivered” also includes a timely postmark if mailed.
- 329.4 Unless the postmark is illegible, no proof of a different postmark will be accepted other than a registered or certified mail receipt or an affidavit from the proper postal representative.
- 329.5 If the postmark is illegible, an affected taxpayer shall submit a duly notarized affidavit which indicates a timely postmark.
- 329.6 In computing any period of time prescribed or allowed, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.
- 329.7 An extension of time to submit the forms may be granted, in the discretion of the Deputy Chief Financial Officer, for good cause.
- 329.8 A request for an extension of time to file shall be submitted (postmarked) to the Deputy Chief Financial Officer not later than August 20th of the year in which the forms are mailed to affected taxpayers. Requests for extensions delivered after that date will not be granted.
- 329.9 If, in the opinion of the Deputy Chief Financial Officer, a mixed use form delivered prior to the deadline set forth in this section has not been accurately completed (that is, it is either inaccurate or incomplete), the Deputy Chief Financial Officer may so inform the affected taxpayer (or the taxpayer's agent), and request that the form be accurately completed. In no instance shall the Deputy Chief Financial Officer be accountable for the accuracy or correctness of the mixed use form supplied and certified to by the affected taxpayer or agent of the taxpayer.
- 329.10 The mixed use form shall be filed annually on or before the date provided for in § 329.1.

329.11 Failure of the Deputy Chief Financial Officer to mail a mixed use form to an affected taxpayer shall in no manner diminish the obligation of the taxpayer to secure and file in a timely manner a mixed use form.

Comments on this proposed rulemaking should be submitted to Robert McKeon, Deputy Chief Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Robert McKeon may be contacted by: telephone at (202) 280-9281; or, email at [robert.mckeon@dc.gov](mailto:robert.mckeon@dc.gov). Copies of this rule and related information may be obtained by contacting Robert McKeon as stated herein.

**OFFICE OF THE CHIEF MEDICAL EXAMINER****NOTICE OF EMERGENCY RULEMAKING**

The Chief Medical Examiner of the Office of the Chief Medical Examiner (OCME), pursuant to the authority set forth in Section 2918 of the Establishment of the Office of the Chief Medical Examiner Act of 2000 (Act), effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1417 (2019 Repl.)), and Mayor's Order 2015-200, dated August 17, 2015, hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 50 (Medical Examiner) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR). Additionally, this emergency rulemaking is being promulgated in accordance with Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, and Mayor's Order 2020-050, dated March 20, 2020, declaring a public emergency and public health emergency for COVID-19 and extending those emergencies through May 15, 2020.

Section 2912 of the Act (D.C. Official Code § 5-1411) provides that the Chief Medical Examiner (CME) "shall release the body of [a] decedent to the person having the right to the body for the purpose of burial or other disposition pursuant to law. If after a reasonable time, established by regulation by the Mayor, no authorized person claims the body of the decedent, the CME shall dispose of the body in accordance with the law." Current regulations provide that the period of time for an authorized person to claim the body of a decedent is thirty (30) days. This emergency rulemaking amends the prior regulations to provide that the reasonable time period for an authorized person to claim the body of a decedent shall be fifteen (15) days during, and within forty-five (45) days after, the COVID-19 public health emergency.

This emergency rulemaking action is necessary for the immediate preservation or promotion of the health, safety, and welfare of District residents. The World Health Organization has declared the COVID-19 outbreak as a pandemic. No specific treatment exists for COVID-19 and a vaccination against COVID-19 does not exist. The death rate for COVID-19 is substantially higher than the death rate for influenza (which has a specific treatment and a vaccination). In the District, there have been 139 individuals who have lost their lives from COVID-19 as of April 23, 2020, in a period of approximately one month. The OCME currently has space to store up to two hundred (200) bodies, with additional efforts being made during the COVID-19 public health emergency to expand the storage space available, both on-site and off. It is anticipated that the District may no longer be able to adequately store the number of deceased bodies for the current regulated time period of thirty (30) days, due to the COVID-19 public health emergency.

Inadequate storage capacity results in the inability of OCME to recover and transport bodies for storage from homes, streets, public and buildings and transportation venues, amongst other death scenes, resulting in: a) hazardous public health and environmental conditions throughout the District; b) overcapacity in health care facility morgues (*i.e.*, hospitals, nursing homes, hospice ) with the burden of managing such overcapacity possibly impeding upon the provision of quality health care services that promote the District's public, safety and welfare; and c) delays in processing bodies that have accumulated due to overcapacity, in turn, prohibiting timely provision of post-examination findings and reports, as well as proofs of death, to next of kin.

Eighty-two percent (82%) of decedents transported to OCME are identified. The identification process is not only visual, it may be made by DNA comparison, X-ray, radiograph, and of fingerprint for example. Eighteen percent (18%) of decedents are not identified at the time of transport but may be subsequently identified. Of the decedents where the next of kin is not identified at the time of transport, twenty-five percent (25%) of the next of kin are identified and claim the decedent within an average of fifteen (15) days from the time of transport to the agency. The remaining seventy-five percent (75%) of the unclaimed decedents proceed to public disposition and are cremated after the thirty (30) day period. Moreover, the remains of bodies are stored for up to one (1) year after cremation until final burial at an annual city-wide memorial.

Therefore, OCME has determined that due to the COVID-19 public health emergency when the death rate has increased at a significant rate, and is expected to accelerate at least throughout the next month, and due to the limited space available for bodies, the reasonable time for an authorized person to claim the body of a decedent is fifteen (15) days.

The emergency rulemaking was adopted on April 27, 2020, and became effective immediately on that date. The emergency rulemaking will expire one hundred twenty (120) days after the date of the rule's adoption, or until such time as the Chief Medical Examiner determines that the emergency has passed and the regular, thirty (30) day storage rule is practicable.

**Chapter 50, MEDICAL EXAMINER, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended as follows:**

**Section 5004, DELIVERY OF BODY; EXPENSES, is amended as follows:**

**Subsections 5004.2 is amended to read as follows:**

5004.2 Bodies which are unidentified or unclaimed after a period of thirty (30) days following reception at the Office of the Chief Medical Examiner shall be released to the Anatomical Board pursuant to law or shall be cremated, or otherwise disposed of according to law; provided, that, as a result of the COVID-19 public health emergency, bodies which are unidentified or unclaimed after a period of fifteen (15) days following reception at the Office of the Chief Medical Examiner may, at the discretion of the Chief Medical Examiner, be released to the Anatomical Board pursuant to law or may be cremated, or otherwise disposed of according to law if storage for a longer time period is infeasible. For the purposes of this subsection, the term "COVID-19 public health emergency" means the period of time during which the public and public health emergencies declared by the Mayor in Mayor's Orders 2020-045 and 2020-046, issued March 11, 2020, and any extensions or revivals thereof, are in effect.

**APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****PLAYGROUND**

AppleTree Early Learning PCS is seeking proposals for a playground within a 685 square foot surface area. Please contact Tony Taylor, Director of Operations and Compliance, for details on the RFP. The deadline for responding to the RFP is May 18, 2020 at 4pm Eastern. Contact – Tony Taylor, Director of Operations and Compliance, 1801 Mississippi Ave SE, Washington, DC 20020, (202) 526-1503, [Tony.Taylor@appletreeinstitute.org](mailto:Tony.Taylor@appletreeinstitute.org)

## DC COMMISSION ON THE ARTS AND HUMANITIES

## NOTICE OF FUNDING AVAILABILITY

## FY 2021 Grant Opportunities for Individuals and Organizations

The DC Commission on the Arts and Humanities (CAH) announces the availability of fiscal year 2021 grants programs. Grant programs supporting fellowships and individual projects for artists and humanities professionals, arts and humanities education projects, arts and humanities projects supporting Wards 7 and 8, public art projects and participation in a capacity-building program for arts and humanities organizations will be available during this cycle. The number and amount of grant awards issued in each program is competitive and subject to the availability of funds.

Individual grant applicants must be at least 18 years of age and reside in the District of Columbia for at least one year prior to the grant application deadline with the intention to maintain DC residency throughout fiscal year 2021 (October 1, 2020 – September 30, 2021). Organizational applicants must have a principal business office located in the District of Columbia and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Arts, Humanities and/or Arts Education Content, 2) District Impact and Engagement, and 3) Organizational Management, Capacity, and Sustainability.

For additional eligibility requirements, evaluation criteria, and application instructions, please review the Request for Applications (RFA), which will be posted online at <http://dcarts.dc.gov/> on **Monday, May 11, 2020**.

The deadlines for applications vary by grant program and occur between June 5 and June 19, 2020. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline. **All applicants must submit their completed applications online on or before the deadline indicated in the grant program RFA.** CAH will not accept applications submitted via hand delivery, mail or courier service. Late submissions and incomplete applications will not be forwarded to the review panel.

Technical assistance workshops will be offered throughout the application period to provide service to applicants.

For more information, please contact: David Markey, Interim Senior Grants Officer  
[david.markey@dc.gov](mailto:david.markey@dc.gov)  
(202) 769-6929

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

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****NOTICE OF CONSUMER BILL OF RIGHTS – FUNERAL HOME ESTABLISHMENTS**

1. A funeral home establishment must post all of its price lists on any websites that it maintains. This includes the General Price List, the Casket Price List, and the Outer Burial Container Price List.
2. You have the right to see a funeral home establishment's General Price List as soon as you enter the funeral home establishment to make arrangements and may take the list home with you. You may also ask for this information over the telephone, without having to provide any personal information. The General Price List must contain current prices.
3. You have the right to see a Casket Price List as soon as you begin discussing caskets.
4. You have the right to view an Outer Burial Container Price List before the funeral home establishment shows you containers.
5. You do not have to buy a casket from the funeral home establishment (it may cost less online). Funeral home establishments cannot charge a fee for bringing in a casket purchased elsewhere.
6. You do not have to buy an outer burial container from the funeral home establishment. An outer burial container can be purchased from the funeral home establishment, the cemetery, or from an online vendor.
7. You do not have to buy a casket if you choose direct cremation.
8. You do not need to pay for embalming if you are having a direct cremation or immediate burial. The District of Columbia requires authorization from the deceased's next of kin or agent to perform embalming services.
9. The funeral home establishment must supply you with receipts for the amounts they paid to third parties (for example, florists, newspapers, or clergy). Under District of Columbia law, when a funeral home establishment utilizes the services of a third party, the funeral home establishment may not charge consumers more than the amount the funeral home establishment paid the third party.
10. You do not have to pay for a package of goods and services. You have the right to select only the goods and services you want, other than the basic services fee, which is a standard fee charged by all funeral home establishments for overhead costs.
11. Once you have made your choices, the funeral home establishment must give you a statement that itemizes the cost of each good and service that you have chosen as part of your signed contract.

12. If you pre-pay for a funeral, you can get a full refund within 30 days of signing the contract, and a refund of at least 90% on services you no longer want 30 days after signing the contract. You can pre-plan a funeral without pre-paying.

If you encounter a funeral home establishment that is not abiding by any part of the Consumer Bill of Rights, please contact the Department of Consumer and Regulatory Affairs (DCRA) at 202-442-4400 or [dcra@dc.gov](mailto:dcra@dc.gov). Or, you may contact the Office of the Attorney General (OAG) at 202-442-9828 or [consumer.protection@dc.gov](mailto:consumer.protection@dc.gov).

The Consumer Bill of Rights must be posted on funeral home establishments' websites and be provided to customers during initial meetings.



**DC SCHOLARS PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Finance and Accounting Services**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with EdOps for contracted finance and accounting services in school year 2020-21. EdOps will provide technical budgeting support, accounting and booking services, monthly financial statements, and financial analysis for DC Scholars and for its external stakeholders. EdOps will also support the following finance items: audits, payroll, management of accounts payable, and federal grants administration. DCSPCS anticipates that the consulting agreement will exceed \$100,000.00 during its fiscal year 2021 (July 1, 2020 – June 30, 2021).

The decision to sole source is due to the fact that EdOps Finance and Accounting consultants provided Finance and Accounting services in school year 2019-20 and previously worked with DC Scholars Community Schools, the school's prior management organization, from October 2016 – June 2019 to provide Finance and Accounting services to DC Scholars Public Charter School. During the transition to a permanent Head of School, it would be most effective to continue a partnership with EdOps Finance and Accounting consultants in school year 2020-21.

The Sole Source Contract will be awarded at the close of business on May 21, 2020. If you have questions or concerns regarding this notice, contact **Emily Stone** at [estone@dcscholars.org](mailto:estone@dcscholars.org) no later than **5:00 pm on May 11, 2020**.

**DC SCHOLARS PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Human Resources Analytics Services**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with EdOps for contracted human resources analytics services in school year 2020-21. EdOps will conduct monthly, quarterly, and annual reporting and analytics for DC Scholars and for its external stakeholders. EdOps will also conduct annual reviews of handbooks, forms, and templates used in the HR processes. DCSPCS anticipates that the consulting agreement may exceed \$25,000.00 during its fiscal year 2021 (July 1, 2020 – June 30, 2021).

In school year 2019-20, EdOps Human Resources consultants provided support to navigate employee issues, discipline, and termination as well as maintain personnel files and employee onboarding. EdOps Human Resources consultants also handled all payroll system data entry, helped problem-solve benefits and payroll issues, and coordinated open enrollment with school Operations leaders. The decision to sole source is due to the fact that EdOps Human Resources consultants previously worked with DC Scholars Community Schools, the school's prior management organization, from October 2016 – June 2019 to provide Human Resource services to DC Scholars Public Charter School. During the transition to a permanent Head of School for DCSPCS, it would be most effective to continue a partnership with EdOps for Human Resources Analytics Services in school year 2020-21.

The Sole Source Contract will be awarded at the close of business on May 21, 2020. If you have questions or concerns regarding this notice, contact **Emily Stone** at [estone@dcscholars.org](mailto:estone@dcscholars.org) no later than **5:00 pm on May 11, 2020**.

**DC SCHOLARS PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Human Resources and Recruitment Services**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Jessica Turnquest for contracted human resources and recruitment services in school year 2020-21. Jessica Turnquest will maintain all personnel files and employment paperwork, coordinate benefits administration, execute and refine organization practices for onboarding and off-boarding employees, and support the Director of Talent and People Operations with Human Resources strategy. Mrs. Turnquest will also complete payroll administration, manage recruitment functions, and collect documentation for the School Safety Omnibus Act. DCSPCS anticipates that the consulting agreement will exceed \$25,000.00 during its fiscal year 2021 (July 1, 2020 – June 30, 2021).

The decision to sole source is due to the fact that Jessica Turnquest previously supported DC Scholars PCS with recruitment functions and documentation for the School Safety Omnibus Act during SY 2019-20. DC Scholars conducted a comprehensive search for a Human Resources and Recruitment Manager in fall 2019 and was unable to fill the role. It would be most effective to continue a partnership with Mrs. Turnquest for Human Resources and Recruitment Services in school year 2020-21.

The Sole Source Contract will be awarded at the close of business on May 21, 2020. If you have questions or concerns regarding this notice, contact **Emily Stone** at [estone@dcscholars.org](mailto:estone@dcscholars.org) no later than **5:00 pm on May 11, 2020**.

**DC SCHOLARS PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Office and Classroom Furniture**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Kay-Twelve for office and classroom furniture in school year 2020-21. DC Scholars Public Charter School anticipates that the furniture order may exceed \$25,000.00 during its fiscal year 2021.

DC Scholars Public Charter School plans to use the services of Kay-Twelve to purchase additional classroom and office furniture for school year 2020-2021. DC Scholars PCS intends to enter a sole source contract since the school purchased office and classroom furniture from Kay-Twelve during the past eight school years. The decision to conduct a sole source agreement is due to the desire for new classroom and office furniture to match previously purchased furniture.

The Sole Source Contract will be awarded at the close of business on May 21, 2020. If you have any questions or concerns regarding this notice, contact **Emily Stone** at [estone@dcscholars.org](mailto:estone@dcscholars.org) no later than **5:00 pm on May 11, 2020**.

**GIRLS GLOBAL ACADEMY PUBLIC CHARTER HIGH SCHOOL****REQUEST FOR PROPOSAL (RFP)**

Girls Global Academy Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2020-2021 school year:

**Financial and Data Services** including budgeting, bookkeeping, data management, and data systems implementation. To request a full copy of the Furniture and Fixtures RFP, send email to the Point of Contact, [jason@girlsglobalacadmy.org](mailto:jason@girlsglobalacadmy.org). Send your proposal by **12 (noon) on May 8th 2020** via e-mail to: [jason@girlsglobalacademy.org](mailto:jason@girlsglobalacademy.org).

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: [jason@grlsglobalacademy.org](mailto:jason@grlsglobalacademy.org).

**GLOBAL CITIZENS PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Finance and Facilities Start-Up Consulting Services**

**Global Citizens Public Charter School** solicits proposals for the following:

**Start-up consulting services around finance, accounting, and facilities, as well as ongoing reporting throughout its planning year.**

Information available by request. Proposals shall be submitted as PDF documents no later than 5:00 PM on Friday, May 8, 2020. Contact: Natalie Smith at [info@globalcitizensschool.org](mailto:info@globalcitizensschool.org)

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****End-to-End Accounts Payable Automation Software**

KIPP DC is soliciting proposals from qualified vendors for End-to-End Accounts Payable Automation Software. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on May 15, 2020. Questions can be addressed to [kate.williams@kippdc.org](mailto:kate.williams@kippdc.org).

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

**NOTICE OF PUBLIC MEETING OF THE  
WALTER REED ARMY MEDICAL CENTER  
COMMUNITY ADVISORY COMMITTEE**

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Public Meeting shall be as follows:

**Date:** Monday, May 4<sup>th</sup>  
**Time:** 6:30 PM – 8:00 PM  
**Location:** - WebEx Call -  
Join by phone 1-650-479-3208  
Meeting Number (access code): 476-180-360  
**Contact:** Randall Clarke, DMPED

Walter Reed Community Advisory Committee Meeting Agenda

1. LRA Opening Remarks
  - Welcome & Intro
  - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
  - CBE First Source Project Update/Upcoming Opportunities
  - Construction Updates
  - Project Events
  - Other Project Updates
3. Adjourn - 8pm



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

**SUMMARY:** The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request by Capital Village Public Charter School (Capital Village PCS) to locate its facility at 705 Edgewood St. NE in Ward 5.

Capital Village PCS received conditional approval on May 20, 2019 to establish a new public charter school. This approval is contingent on the school satisfying all of the Board's conditions, which include securing a fully executed lease for a facility.

Pending its full charter approval, the school will begin operation in school year 202021, enrolling up to 90 students in grades 5 and 6. At capacity, it will serve a total of 180 students in grades 5 through 8.

**DATES:**

- Comments must be submitted on or before Monday, April 20.
- The public hearing will be held on Monday, April 20 at 6:30 p.m. For location, please check [www.dcpsb.org](http://www.dcpsb.org).
- The vote for full charter approval, including facility, is tentatively scheduled for Monday, June 22 at 6:30 p.m. For location, please check [www.dcpsb.org](http://www.dcpsb.org).

**ADDRESSES:** You may submit comments, identified by "Capital Village PCS – Notice of Public Hearing," by any of the following methods:

1. Submit a written comment via:
  - (a) E-mail\*: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - (b) Postal mail\*: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> St. NW, Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
2. Sign up to testify in-person at the public hearing on April 20 by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4 p.m. on Thursday, April 16.

*\*Please select only one of the actions listed above.*

**FOR FURTHER INFORMATION CONTACT:** Hannah Cousino; Manager, Equity, Audits, and Support; at (202) 328-2673 or [hcousino@dcpsb.org](mailto:hcousino@dcpsb.org).

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

**SUMMARY:** The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request by Girls Global Academy Public Charter School (Girls Global Academy PCS) to locate its facility at 733 8th St. NW in Ward 2.

Girls Global Academy PCS received conditional approval on May 20, 2019 to establish a new public charter school. This approval is contingent on the school satisfying all of the Board's conditions, which include securing a fully executed lease or title agreement for a facility. Pending its full charter approval, the school will begin operation in school year 2020-21, enrolling up to 90 students in grade 9. At capacity, it will serve a total of 450 students in grades 9 through 12.

**DATES:**

- Comments must be submitted on or before Monday, April 20.
- The public hearing will be held on Monday, April 20 at 6:30 p.m. For location, please check [www.dcpcsb.org](http://www.dcpcsb.org).
- The vote for full charter approval, including facility, is tentatively scheduled for Monday, June 22 at 6:30 p.m. For location, please check [www.dcpcsb.org](http://www.dcpcsb.org).

**ADDRESSES:** You may submit comments, identified by “Girls Global Academy PCS – Notice of Public Hearing,” by any of the following methods:

1. Submit a written comment via:
  - (a) E-mail\*: [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org)
  - (b) Postal mail\*: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> St. NW, Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
2. Sign up to testify in-person at the public hearing on April 20 by emailing a request to [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org) by no later than 4 p.m. on Thursday, April 16.

*\*Please select only one of the actions listed above.*

**FOR FURTHER INFORMATION CONTACT:** Hannah Cousino; Manager, Equity, Audits, and Support; at (202) 328-2673 or [hcousino@dcpcsb.org](mailto:hcousino@dcpcsb.org).

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

**SUMMARY:** The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request by I Dream Public Charter School (I Dream PCS) to locate its facility at 2220 Branch Ave. SE in Ward 7.

I Dream PCS received conditional approval on May 20, 2019 to establish a new public charter school. This approval is contingent on the school satisfying all of the Board's conditions, which include securing a fully executed lease for a facility. Pending its full charter approval, the school will begin operation in school year 2020-21, enrolling up to 120 students in grades PK3 through 2. At capacity, it will serve a total of 240 students in grades PK3 through 5.

**DATES:**

- Comments must be submitted on or before Monday, April 20.
- The public hearing will be held on Monday, April 20 at 6:30 p.m. For location, please check [www.dcpsb.org](http://www.dcpsb.org).
- The vote for full charter approval, including facility, is tentatively scheduled for Monday, June 22 at 6:30 p.m. For location, please check [www.dcpsb.org](http://www.dcpsb.org).

**ADDRESSES:** You may submit comments, identified by "I Dream PCS – Notice of Public Hearing," by any of the following methods:

1. Submit a written comment via:
  - (a) E-mail\*: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - (b) Postal mail\*: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> St. NW, Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
2. Sign up to testify in-person at the public hearing on April 20 by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4 p.m. on Thursday, April 16.

*\*Please select only one of the actions listed above.*

**FOR FURTHER INFORMATION CONTACT:** Hannah Cousino; Manager, Equity, Audits, and Support; at (202) 328-2673 or [hcousino@dcpsb.org](mailto:hcousino@dcpsb.org).

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

**SUMMARY:** The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a charter amendment request submitted by Latin American Montessori Bilingual Public Charter School (LAMB PCS) on April 15, 2020 for a new location.

Currently in its seventeenth year of operation, LAMB PCS educates students in prekindergarten 3 through fifth grade across three locations: 1375 Missouri Avenue NW, 1399 Aspen Street NW, and 1800 Perry Street NE. LAMB PCS purchased and is renovating the Kingsbury Center at 5000 14th Street NW with the intent to make the site its main location. Per its charter agreement amendment request, LAMB PCS will cease operations at 1375 Missouri Avenue NW and 1399 Aspen Street NW at the end of school year (SY) 2019-20. In SY 2020-21, students and staff from those sites, along with five classes from 1800 Perry Street NE, will transition to 5000 14th Street NW. In SY 2023-24, the remaining students and staff at 1800 Perry Street NE will transition to 5000 14th Street NW. LAMB PCS must stagger the transition to 5000 14th Street NW because the facility is limited to 485 students for the first three years. After the first three years, the limit increases to 600 students, which corresponds to the school's maximum enrollment allotment.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its location.

**Dates:**

- Comments must be submitted on or before May 19, 2020.
- The public hearing will be on May 19, 2020 at 6:30 pm. For the location, please check [www.dcpsb.org](http://www.dcpsb.org).
- The Board vote will be on June 22, 2020 at 6:30 pm. For the location, please check [www.dcpsb.org](http://www.dcpsb.org).

**Addresses:** You may submit comments, identified by "LAMB PCS – Notice of Petition to Amend Charter – New Location" via any of the methods listed below.

1. Submit a written comment\*
  - a. E-mail: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - b. Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010
2. \*Please select only one of the actions listed.
3. Sign up to testify in-person at the public hearing on May 19, 2020 by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) no later than 4:00 pm on May 14, 2020.

**Contact Information:** Melodi Sampson, Senior Manager of School Quality and Accountability, at [msampson@dcpsb.org](mailto:msampson@dcpsb.org) or 202-330-2046.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

**ELECTRIC TARIFF 00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final action taken in the above-captioned proceeding.

2. On February 28, 2020, pursuant to D.C. Code § 10-1141.06,<sup>2</sup> the Potomac Electric Power Company (Pepco) filed with the Commission an updated Rider Public Space Occupancy Surcharge (PSOS).<sup>3</sup> In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia (District) for the rental of public structures in public space. Pepco proposes to amend the following tariff page to reflect an increase in the PSOS:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1  
(Former) Twenty-Second Revised Page No. R-33  
(New) Twenty-Third Revised Page No. R-33**

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District for the current calendar year; and 2) the over or under recovery from the prior year.<sup>4</sup> Lastly, the Rider PSOS sets forth how each component of the annual update is to be calculated.<sup>5</sup> Pepco proposes a PSOS rate of \$0.00214 per kilowatt-hour delivered to the customer, which is an increase from the current

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

<sup>2</sup> D.C. Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

<sup>3</sup> *Electric Tariff 00-2, In the Matter of Potomac Electric Power Company's Public Space Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1 ("ET00-2")*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Dennis P. Jamouneau, Assistant General Counsel, Re: Docket ET00-2 – Rider "PSOS," filed February 28, 2020 ("Surcharge Update").

<sup>4</sup> *ET00-2*, Surcharge Update at 1.

<sup>5</sup> *ET00-2*, Surcharge Update at 1; Attachment C. *See also ET00-2, In the Matter of the Potomac Electric Power Company's Public Occupancy Surcharge*, Order No. 11737 at 4, rel. July 14, 2000 (Wherein the Commission noted that Pepco's filing included a method for calculating a true-up).

PSOS rate of \$0.00211 per kilowatt-hour approved in 2019.<sup>6</sup> The rate is based on a rate of \$0.00213 per kilowatt-hour for estimated 2020 payments and a rate of \$0.00001 per kilowatt-hour for the over/under collection of payments by Pepco in 2019.<sup>7</sup> Pepco proposes that its Surcharge Update becomes effective with meter readings on and after March 1, 2020.<sup>8</sup>

4. On March 20, 2020, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register* inviting public comments on Pepco's Surcharge Update.<sup>9</sup> In the NOPT, the Commission stated that Pepco has a statutory right to implement the Rider PSOS; but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge rate, Pepco could be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT and the Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code § 10-1141.06.

5. The Commission, at its regularly scheduled Open Meeting held on April 22, 2020, took final action approving Pepco's Rider PSOS Surcharge Update tariff filing effective with meter readings on and after March 1, 2020, and officially upon publication of this Notice of Final Tariff in the *D.C. Register*.

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<sup>6</sup> *ET00-2*, Surcharge Update at 1; Attachment C.

<sup>7</sup> *ET00-2*, Surcharge Update at 1; Attachment C.

<sup>8</sup> *ET00-2*, Surcharge Update at 1.

<sup>9</sup> 67 *D.C. Reg.* 003359-003360 (March 20, 2020).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF  
UNIVERSAL SERVICE STANDARDS AND THE UNIVERSAL SERVICE  
TRUST FUND FOR THE DISTRICT OF COLUMBIA,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to § 34-802 of the District of Columbia Official Code and in accordance with § 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final tariff action taken on April 22, 2020, in Order No. 20331, granting the Application<sup>2</sup> of Verizon Washington DC, Inc. (Verizon DC) requesting authority to amend the following tariff page:

GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201  
Section 1A, 13<sup>th</sup> Revised Page 3

2. Verizon DC identified the proposed tariff amendment as an update to its Universal Service Trust Fund (DC USTF) surcharge, which is required by Chapter 28 of the Commission's Rules of Practice and Procedure. The surcharge is being updated to true-up the 2018-2019 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2020 assessment. With the approval of this Application, the monthly per line surcharge is \$0.04 per non-Centrex line and \$0.01 per Centrex line. Verizon DC represented that this Application would decrease the surcharge for non-Centrex lines by \$0.01 but would not change the surcharge for Centrex lines.<sup>3</sup> In Order No. 20331, the Commission approved Verizon DC's Application.

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

<sup>2</sup> *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia* ("Formal Case No. 988"), District of Columbia Universal Service Trust Fund Surcharge Compliance Filing - 2020 Surcharge ("Verizon DC Application"), filed February 28, 2020. On March 6, 2020, Verizon DC filed a new tariff page to correct the margins in the tariff filing. *Formal Case No. 988*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Douglas R. Smith, Vice President, State Government Affairs, Verizon DC filed March 6, 2020.

<sup>3</sup> Verizon DC Application at 2.

**DISTRICT OF COLUMBIA RETIREMENT BOARD**  
**NOTICE OF ELECTRONIC OPEN BOARD MEETING**

April 30, 2020  
10:00 a.m.

**Dial-in Number:** 1 (650) 479-3208  
**Access Code:** 478 240 331  
**Password:** 9007

The District of Columbia Retirement Board (“DCRB”) will hold an Open Board meeting on Thursday, April 30, 2020, at 10:00 a.m.

Per Mayor’s Order 2020-53 outlining the Government of the District of Columbia’s requirements to engage in social distancing and limit gatherings to prevent the spread of COVID-19, **this meeting will be held electronically.**

*For additional information, please contact Deborah Reaves, Board Liaison at (202) 343-3200 or [Deborah.Reaves@dc.gov](mailto:Deborah.Reaves@dc.gov).* A general agenda for the Open Board meeting is outlined below.

**AGENDA**

- |          |  |
|----------|--|
| 10:00 am | I. Call to Order and Roll Call   |
|          | II. Approval of Board Meeting Minutes ( <b>Action Items</b> )          |
|          | a. Approval of Open Session Meeting Minutes for February 20, 2020      |
|          | b. Approval of Executive Session Meeting Minutes for February 20, 2020 |
|          | III. Chairman’s Comments   |
| 10:30 am | IV. Executive Director’s Report  |
| 11:00 am | a. Update: Bolton USA, DCRB’s Actuary                                  |
| 11:45 am | V. Investment Committee Report   |
|          | a. Update: Meketa Investment Group, DCRB’s Investment Consultant       |
| 12:30 pm | VI. Operations Committee Report  |
|          | VII. Benefits Committee Report   |
|          | VIII. Legislative Committee Report                                     |
|          | IX. Audit Committee Report   |
|          | X. Other Business  |
| 1:00 pm  | XI. Adjournment  |



DISTRICT OF COLUMBIA STATE ATHLETICS COMMISSION

SPRING MEETING

May 5, 2020

Via ZOOM @ <https://bit.ly/2VfubHz>

Washington, DC 20002

6:00pm – 7:30pm

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- I. Call to Order
- II. Ascertainment of Quorum
- III. Approval of Minutes from December 19, 2019
- IV. Directors Update
  1. FY21 Budget Update
  2. Handbook
  3. SY20-21 Sports Calendar
- V. New Business from the Floor
- VI. Adjournment

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**WASHINGTON CONVENTION AND SPORTS AUTHORITY  
(T/A EVENTS DC)**

**NOTICE OF MEETING DATE CHANGE AND ELECTRONIC MEETING**

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that the date and format of a previously announced meeting scheduled for Thursday, May 14, 2020, has changed.

The meeting will take place on Friday, May 1, 2020 as a conference call, starting at 10:15am. The dial in information is toll-free (U.S. and Canada): 1(866) 576-0416, conference code 7681427. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

Jennifer Lawrence  
Washington Convention and Sports Authority  
t/a Events DC

(202) 249-3275  
[jlawrence@eventsdc.com](mailto:jlawrence@eventsdc.com)

**WASHINGTON LATIN PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

Issued: 04/24/2020

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from a qualified vendor for:

- Tutoring Services- offered for some or all the following during and/or after school hours: general instructional support in all subjects for grades 5-12, test prep and classwork review. This would be for approximately 30 students with individualized educational plans. Tutoring could be one-on-one or in small groups.
- Faculty Staffing Services- identify qualified teachers/administrators for hire
- HVAC Services- provide routine HVAC maintenance and repairs as needed.
- Curriculum Consultants- provide expertise in building strong math and literacy curriculum
- International Educational Travel Services- expertise in student travel to Rome or Morocco
- School Payment Portal- looking for software to streamline processing/recording all student billing needs.

Questions and proposals may be e-mailed to [eabdurrahman@latinpcs.org](mailto:eabdurrahman@latinpcs.org) with the type of service in the subject line. Deadline for submissions is **COB May 8, 2020**. No phone calls please.

Due to current school closure, e-mail is the only method for responding with proposal and supporting documentation.

**WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

School Furniture

Washington Leadership Academy Public Charter School, an approved 501(c)3 organization, requests proposals for the following furniture:

<b>Item</b>	<b>Quantity</b>
HON SmartLink Seating 18" 4L Chair without Wheels	80
HON Student Desk Top/SecurEdge Adj Leg Assembled-set (Triangle)	50
White, locking, classroom storage options, preferably on wheels (roughly 30W x 60H)	10
Freight and installation	Installation should occur no later than August 1, 2020

Please email proposals to Mandy Leiter at [mleiter@wlapcs.org](mailto:mleiter@wlapcs.org).

We request proposals by May 12, 2020.

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

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, May 13, 2020 at 9:00 a.m. The meeting will be held in the Board Room (2<sup>nd</sup> floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), 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.dcwater.com](http://www.dcwater.com). Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

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

**DRAFT AGENDA**

- |  |                       |
|--|-----------------------|
| 1. Call to Order                         | Committee Chairperson |
| 2. Emerging Issues                       | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session                     | Committee Chairperson |
| 5. Adjournment                           | Committee Chairperson |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Human Resources and Labor Relations Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, May 13, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), 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.dcwater.com](http://www.dcwater.com). Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dcwater.com](mailto:lmanley@dcwater.com).

**DRAFT AGENDA**

- |                      |                       |
|----------------------|-----------------------|
| 1. Call to Order     | Committee Chairperson |
| 2. Union Topics      | Union Presidents      |
| 3. Other Business    | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment       | Committee Chairperson |

## DEPARTMENT OF YOUTH REHABILITATION SERVICES

## NOTICE OF FUNDING AVAILABILITY

## Capacity Building for the Community Program Initiative Grant

The Department of Youth Rehabilitation Services (DYRS) seeks eligible entities to propose a plan for the implementation and management of a comprehensive and coordinated system of programs and services for D.C. court-involved youth and families. The amount available for the project is approximately \$4 to 7 million for a one-year period - starting October 1, 2020 – with the possibility to renew for up to two additional years pending funding availability and grantee performance.

Beginning 5/1/2020, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the DYRS website, [www.dyrs.dc.gov](http://www.dyrs.dc.gov). Select the *Doing Business with DYRS* tab and click on the request for applications link.

**Email** a request to [dyrscapacitybuilding.2021@dc.gov](mailto:dyrscapacitybuilding.2021@dc.gov) with “Request copy of Capacity Building RFA” in the subject line.

**Pick up a copy in person** from the DYRS grants management division, located at 450 H Street, NW 7th Floor, Washington, DC 20001.

**Write** DYRS at 450 H Street, NW 7th Floor, Washington, DC 20001, “Attn: DYRS Grants – Capacity Building RFA” on the outside of the envelope.

**The deadline for application submissions is 6/1/2020, at 4:30 p.m.** All applications must be submitted through the Philantrack system.

**Eligibility:** All the checked institutions below may apply for these grants.

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations
- Faith-based organizations
- Government agencies
- Universities/educational institutions
- Private Enterprises

For additional information regarding this RFA, write to: [dyrscapacitybuilding.2021@dc.gov](mailto:dyrscapacitybuilding.2021@dc.gov).

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****Z.C. ORDER NO. 19-20****Z.C. Case No. 19-20****Georgetown University on behalf of the President and Directors of Gonzaga College  
(Voluntary Design Review at Square 622, Lot 93 [55 H Street, N.W.]****December 12, 2019**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on December 12, 2019, to consider the application (the “Application”) of Georgetown University (the “University”) under Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations”] to which all references herein are made unless otherwise specified) for:

- Voluntary Design Review approval under Subtitle X, Chapter 6, with flexibility from the height, side yard, and rear yard requirements under Subtitle X § 603.1; and
- Special exception relief pursuant to Subtitle X § 603.3 and Subtitle C § 703.2 from the vehicle parking requirements of Subtitle C § 701.5.

Said relief is requested to construct a new residence hall with ground-floor retail on Lot 93 in Square 622 with an address of 55 H Street, N.W. ( the “Property”), owned by the President and Directors of Gonzaga College (“Gonzaga”) and located in the MU-9 zone. The Commission considered the Application pursuant to Subtitles X and Z. For the reasons below, the Commission hereby **APPROVES** the Application.

**FINDINGS OF FACT****Notice**

1. On May 31, 2019, the University mailed a Notice of Intent to file a voluntary design review Application to: (Exhibit [“Ex.”] 2D.)
  - Advisory Neighborhood Commission (“ANC”) 6E, the “affected ANC” per Subtitle Z § 101.8; and
  - All property owners within 200 feet of the Property.
2. On September 27, 2019, the University filed the Application, including the request for flexibility and special exception relief, on behalf of Gonzaga, the owner of the Property. (Ex. 1, 2A-2H.)
3. The Office of Zoning (“OZ”) published the Notice of Public Hearing on October 24, 2019, in compliance with Subtitle Z § 402.1. (Ex. 5.)
4. The University posted notice of the hearing on the Property on October 24, 2019, and maintained such notice in accordance with the Subtitle Z § 402.3. (Ex. 7, 12.)

**Parties**

5. The University and ANC 6E were automatically parties to the proceeding pursuant to Subtitle Z § 403.5.



6. On December 12, 2019, ANC 6C filed a request for party status in support based on the proximity of the Property to ANC 6C, along with a request for a waiver of the 14-day advance filing requirement for such party status. (Ex. 18.)
7. At the hearing, the Commission granted the waiver and party status request for ANC 6C.

### The Property

8. The Property contains approximately 33,040 square feet of land area.
9. The Property is located mid-block on the unit block of H Street, N.W., between North Capitol Street, N.W. and 1<sup>st</sup> Street, N.W., in the Downtown East neighborhood. (Ex. 2.)
10. The Property is currently improved with a surface parking lot. (Ex. 2.)
11. The Property is bounded by an office building to the east, an apartment building to the west, and Gonzaga's athletic fields to the north. The United States Government Printing Office ("GPO") headquarters is located across H Street to the south of the Property. (Ex. 2.)
12. An entrance to the Union Station Metrorail station is located approximately two and a half blocks to the southeast of the Property. (Ex. 2.) Other nearby transportation options include multiple bus lines, Capital Bikeshare stations, car-sharing services, and the Judiciary Square Metrorail station entrance. (Ex. 8A1-8A2, 9A.)
13. The Georgetown University Law Center (the "Law Center") is located approximately one and a half blocks to the southwest of the Property. The University also recently acquired 500 1<sup>st</sup> Street, N.W., adjacent to the Law Center, which the University intends to use for a mix of academic and administrative uses. The Law Center, together with 500 1<sup>st</sup> Street, the Property, and other nearby properties, comprises the University's "Capitol Campus." The University provides private shuttle bus transportation that connects the Capitol Campus to the main "Hilltop" campus. (Ex. 2, 9A.)
14. The Property is designated as a Land Use Change Area on the Comprehensive Plan's (the "CP") General Policy Map ("GPM"). The Framework Element defines Land Use Change areas as areas for "new development" with "mixed-use communities containing housing" and other uses such as workplaces and civic facilities, with Area Elements and Small Area Plans providing additional guidance on the desired mix of uses in each area. (Ex. 2.)
15. The Property is designated as High Density Commercial on the CP's Future Land Use Map ("FLUM"). The Comprehensive Plan Framework Element defines the "high density" commercial designation as the central employment area of the District with buildings generally greater than eight stories in height. (Ex. 2.)

16. The Property is also subject to the Citywide and Central Washington elements of the CP, and the NOMA Vision Plan and Development Strategy (which was adopted by the D.C. Council as a Small Area Plan [“SAP”]). (Ex. 2.)
17. The Property is located in the MU-9 zone, which is defined as a high-density mixed-use zone district by Subtitle G § 400.8.<sup>1</sup> (Ex. 2.)

### **The Application**

18. The University proposes to develop the Property with an 11-story residence hall (the “Building”) with:
  - Approximately 158 units containing a total of approximately 476 beds;
  - Ground-floor retail and student amenity space; and
  - A habitable penthouse containing communal recreation space for the building residents.
19. The Building is proposed to have:
  - A height of 110 feet, approximately 20 feet above the maximum height permitted in the MU-9 zone (Subtitle G § 403);
  - A maximum floor area ratio (“FAR”) of 6.5, within the requirements of the MU-9 zone (Subtitle G § 402); and
  - A lot occupancy of approximately 60%, within the requirements of the MU-9 zone (Subtitle G § 404). (Ex. 2.)
20. The Building complies with all other development standards of the MU-9 zone except for:
  - Rear yard – a 23-foot rear yard is required based on the Building’s height (Subtitle G § 405), but no rear yard is proposed;
  - Side yard – 18-foot, 4-inch side yards are required based on the Building’s height (Subtitle G § 406); the west side yard complies, but the east side yard varies with the smallest portion measuring five feet; and
  - Vehicular parking – 26 parking spaces are required (Subtitle G § 701.5), but no zoning compliant spaces are proposed. (Ex. 2, 9A.)
21. Building Uses. The Building provides student housing for a mix of undergraduate, graduate, and law students and supports the emerging Capitol Campus, which delivers on the University’s commitment in its Main Campus Plan to promote growth at locations other than the Main Campus. (Z.C. Order No. 16-18; Ex. 2; Transcript [“Tr.”] of December 12, 2019.)
22. Building Façade Design. The Building incorporates a mix of high-quality materials and façade elements to create a design that complements the immediate surroundings yet also

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<sup>1</sup> At the time of filing of the Application, the official Zoning Map erroneously showed the Property as split-zoned in the MU-9 and RF-1 zones. OZ corrected this error prior to the public hearing, and the official Zoning Map now shows the entirety of the Property as in the MU-9 zone, which is consistent with the Zoning Commission’s action in Z.C. Order No. 909-A, when it rezoned the entirety of the Property to the C-3-C Zone District, which is now the MU-9 Zone. (Ex. 2.)

identifies itself as a unified element of the University's Capitol Campus. The architectural composition consists of a brick base and a neoclassical rhythm that harmonizes with the GPO headquarters and other neighboring structures; this base is overlaid with a terracotta wrap façade that evokes but does not replicate the lighter color and materiality of the existing Law Center buildings. The blend of terracotta with metal and glass, as well as the offset and irregular window patterning on the primary south façade, serves as a contemporary expression to give the mid-block building identity amid its more formal brethren. (Ex. 2, 9A.)

23. Ground-Floor Design. The ground-floor design of the Building incorporates a number of street-activating and pedestrian-friendly features, including a pair of entrances for the retail and residential portions of the Building that frame transparent ground-floor glass that provides visibility into the active retail and ground-floor amenity spaces. The glass façade is punctuated by piers clad in brick, which helps to strengthen the connection to adjacent brick structures and create articulation and depth for the ground-level spaces. (Ex. 2, 9A.)
24. Sustainable Design. The University is targeting a minimum certification of Gold under the LEED v4 rating system. Among other features, the Building incorporates photovoltaic panels on both the penthouse roof and on the upper-story south-facing façade. (Ex. 2, 9A.)
25. Vehicular Access and Parking. The Building contains on-site loading and service spaces within the Building, accessed from the private service alley on the western portion of the Property. The Building does not contain any underground parking or other zoning-compliant parking spaces, but three parking spaces are located within the ground level of the Building and are able to be accessed through the loading spaces when the loading spaces are not in use. (Ex. 2, 9A.)
26. Bicycle Parking. The Building contains a bicycle room with a minimum of 100 long-term bicycle parking spaces, as well as a shower and lockers for cyclists, and the Building incorporates 14 short-term bicycle parking spaces within small plaza areas created by setbacks from the sidewalk near the residential and retail entrances. (Ex. 2, 9A.)
27. Penthouse. The Building contains a habitable penthouse that will be programmed with communal recreation and amenity spaces for building residents, as well as enclosed mechanical equipment, stairway, and elevator penthouses and screened mechanical equipment. The penthouse components are located within enclosing walls of three separate heights as permitted under Subtitle C § 1500.9 and they are set back at least 1:1 from the edge of the roof along all walls where such setback is required by Subtitle C § 1502.1. (Ex. 2, 9A, 9E1-9E4.)
28. Inclusionary Zoning. The Building, other than the penthouse, is exempt from Inclusionary Zoning ("IZ") requirements, pursuant to Subtitle C § 1001.6(c), because the University is developing the Building to be used exclusively for its students, faculty, and staff. The Building would be subject to IZ requirements if it is converted to a non-exempt residential use, as provided by Subtitle C § 1001.8. The penthouse space is communal rooftop

recreation and amenity space that is exempt from the IZ requirements pursuant to Subtitle C § 1500.11. (Ex. 2, 9A.)

29. Comprehensive Transportation Review (“CTR”). On October 28, 2019, the University submitted a Transportation Statement for the Building in accordance with DDOT’s Comprehensive Transportation Review Guidelines. (Ex. 8, 8A1-8A2.) The CTR included the Applicant’s proposed Transportation Demand Management (“TDM”) and Loading Demand Management (“LDM”) measures for the Building, which were later updated and memorialized in the Applicant’s proposed conditions of approval. (Ex. 9D.)

### **Flexibility and Relief Requested**

30. Voluntary Design Review. The University requested Voluntary Design Review approval to permit the following areas of flexibility pursuant to Subtitle X § 603:
- a. Height. The Building will be approximately 110 feet in height, 20 feet above the maximum height permitted by-right but within the maximum permitted height with design flexibility in the MU-9 zone. (Subtitle X § 603.2.)<sup>2</sup> The additional height permits more flexibility in building design and the creation of larger outdoor spaces; (Ex. 2, 9A, 10.)
  - b. Rear Yard. The Building is designed as a roughly U-shaped building. The two wings of the Building are proposed to be constructed to the northern lot line, which reduces the rear yard on the Property to zero feet. However, the massing and configuration of the Building also creates two large courtyards located at the rear of the Building, which provides ample light, air, and outdoor recreation space for building residents. Additionally, Gonzaga’s athletic fields are located to the north, which creates a significant amount of open space between the Building and nearest buildings to the north; and (Ex. 2, 9A.)
  - c. Side Yards. The Building is set back a minimum of 18 feet 8 inches from the west property line to maintain a private service alley that serves the Building as well as Gonzaga. This complies with the side yard requirement. The bulk of the Building is set back 34 feet from the east property line, but the front portion of the building narrows the side yard to five feet in order to close the gap between the buildings and create a more consistent streetwall along H Street, N.W. This five-foot-wide side yard for just the front portion of the building does not comply with the side yard requirements. (Ex. 2, 9A.)
31. Special Exception from Vehicle Parking Requirements. The University requested special exception relief pursuant to Subtitle X § 603.3 and Subtitle C § 703.2 from providing the 26 vehicular parking spaces required by Subtitle C § 701.5 in order to provide no zoning-compliant parking spaces in the Building. (Ex. 2, 9A.)

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<sup>2</sup> The maximum permitted height with design flexibility is the height permitted for a PUD, which is 130 feet in the MU-9 zone. Here, the 1910 Height Act limits the maximum attainable height to 110 feet.

32. Design Flexibility from Approved Plans. The University requested design flexibility conditions to authorize deviations from the final approved plans to accommodate the typical evolution of building design as plans are refined and developed during the design and permitting process. (Ex. 9D.)

The University's Case

33. The University filed three submissions in support of the Application in addition to testimony at the Commission's December 12, 2019, public hearing:
- A September 30, 2019, submission ("University's Initial Submission"); (Ex. 2A, 2A1-2H.)
  - A November 22, 2019, submission ("University's Pre-Hearing Submission"); and (Ex. 9A, 9D, 9E1-E4.)
  - A December 12, 2019, submission ("University's Hearing Submission"). (Ex. 14, 15.)
34. The University's Initial Submission asserted that the Application met the Voluntary Design Review standards for the requested flexibility, as well as the standards for the requested special exception from vehicle parking requirements.
35. The University asserted that the Building furthers the following relevant elements of the CP:
- a. Land Use Element. *Policy LU-1.1.5 Urban Mixed Use Neighborhoods; Policy LU-1.3.2 Development Around Metrorail Stations; Policy LU-1.3.3 Housing Around Metrorail Stations; Policy LU-1.4.1 Infill Development; Policy LU-1.4.2 Long-Term Vacant Sites; Policy LU-2.2.4 Neighborhood Beautification; and Policy LU-3.2.2 Corporate Citizenship;*
  - b. Housing Element. *Policy H-1.1.3 Balanced Growth; Policy H-1.1.4 Mixed Use Development; Policy H-1.1.16 Housing in the Central City; and Policy H-1.3.5 Student Housing;*
  - c. Educational Facilities Element. *Policy EDU-3.3.1 Satellite Campuses; Policy EDU-3.3.2 Balancing University Growth and Neighborhood Needs; Policy EDU-3.3.3 Campus Plan Requirements; Policy EDU-3.3.4 Student Housing; and Policy-3.3.35 Transportation Impacts of Colleges and Universities;*
  - d. Environmental Protection Element. *Policy E-1.1.3 Landscaping; and Policy E-3.1.1 Maximizing Permeable Surfaces;*
  - e. Transportation Element. *Policy T-1.1.4 Transit-Oriented Development;*
  - f. Parks, Recreation and Open Space Element. *Policy PROS-4.3.3 Common Open Space in New Development;*

- g. Urban Design Element. Policy *UD-2.1.1 Design Character*; *UD-2.1.4 Architectural Excellence*; *UD-2.2.1 Neighborhood Character and Identity*; and *UD-2.2.5 Creating Attractive Facades*; and
- h. Central Washington Element. Policy *CW-1.1.1 Promoting Mixed Use Development*; *CW-1.1.3 Incentives for Non-Office Users*; *CW-1.1.4 New Housing Development in Central Washington*; *CW-1.1.12 Reinforcing Central Washington's Design Features*; *CW-1.1.13 Creating Active Street Life and Public Spaces*; *CW-1.2.4 Recreation for New Downtown Residents and Workers*; and *CW-2.8.1 NoMA Land Use Mix*.

(Ex. 2, Ex. 2G, Ex. 10.)

36. The University's Pre-Hearing Submission included a supplemental statement, proposed conditions of approval, and revised plans, which:
  - a. Supplemented the Initial Submission's evaluation of the Building's satisfaction of the burden of proof for the special exception from the parking requirements;
  - b. Evaluated the Building's consistency with the SAP and incorporated design changes intended to further this consistency; and
  - c. Proposed conditions of approval, including:
    - Commitments to LEED v4 Gold certification;
    - The TDM and LDM plans requested by DDOT; and
    - The transportation measures recommended by ANC 6E.
37. The Application asserted that the Building's design advances and supports several elements of the SAP, including:
  - a. H Street West Character Area. The SAP sets forth an architectural vision for H Street west of North Capitol Street, including neighborhood-serving retail as well as new high-quality architecture that emphasizes brick articulation, that reflects the inspiration of the existing red-brick GPO headquarters building, and promotes large window openings, consistent regulating lines, and architectural continuity. To this end, the SAP recommends increased design review. The Building is consistent with and fulfills these goals and recommendations with the Building's retail space along H Street, N.W.; the Building's architectural design that is consistent with this design guidance; and the University's use of the voluntary design review process that affords the opportunity for increased review recommended by the Plan, as laid out in the Findings of Fact;
  - b. Land Use Mix. The Building provides additional residential development and activity west of the railroad tracks, which fulfills the mixed-use goals of the SAP;

- c. Infrastructure and Transportation. The Building encourages the use of walking, bicycling, and transit, which satisfies infrastructure and transportation goals of the SAP;
- d. Identity and Building Design. The Building design includes an attractive and pedestrian-friendly mix of uses and design elements at the ground floor, which furthers building design goals of the SAP; and
- e. Environment and Sustainability. The Building incorporates energy efficiency and renewable energy as well as water retention and reuse features, all of which promote the high-performance building design called for in the SAP.

(Ex. 9A, 10.)

38. Downtown East Re-urbanization Strategy. The Application asserted that the Building furthers several elements of the Downtown East Re-urbanization Strategy, a high-level planning document that sets forth an urban design vision for the Downtown East neighborhood, including enhancement of neighborhood vitality through adding a residential use in a primarily commercial area and promotion of Georgetown University as an institutional anchor for the Downtown East area. (Ex. 9A.)
39. The University's Hearing Submission included a photograph of the proposed materials board for the Building and proposed additional conditions based on feedback from OP and ANC 6C:
  - a. Commitments regarding providing inclusionary zoning in the event of a change in use of the Building as requested by OP; and
  - b. A commitment regarding ground-level clear windows and pedestrian entrances along the Building's H Street façade.
40. At the December 12, 2019, public hearing, the University presented the Application and responded to questions from the Commission regarding the Building and its impacts, including its solar panels and potential changes to the University shuttle bus system.
41. The University presented the following witnesses on its behalf at the December 12, 2019, public hearing:
  - Graham Wyatt, FAIA, Robert A.M. Stern Architects, as an expert in architecture;
  - Chris Kabatt of Wells & Associates, as an expert in transportation planning; and
  - Geoff Chatas, Senior Vice President and Chief Operating Officer, Ben Kuo, Vice President for Planning and Facilities Management, and Regina Bleck, Associate Vice President and University Architect, on behalf of the University.

42. At the close of the hearing, counsel for the University addressed OP's comments regarding the proposed design flexibility conditions and proposed to utilize some of OP's recommended changes but retain the University's proposed flexibility regarding the Building's sustainable design features.

### Responses to the Application

#### Office of Planning Report

43. On December 2, 2019, OP filed a report (the "OP Report") recommending approval of the Application, including the related special exception relief from the parking requirements, with two recommendations: (Ex. 10.)
- The approval includes a condition that the Building be subject to IZ requirements if the Building was "no longer used as a student residence hall exclusively for Georgetown University students," and converted to another type of residential use; and
  - Some of the Application's proposed areas of design flexibility from the approved plans be refined to align with "standard" flexibility language proposed by OP in pending Z.C. Case No. 19-05.
44. The OP Report concluded that the University had demonstrated that the Building:
- Satisfied each of the relevant design review criteria; OP also concluded that the proposed height, rear yard, and side yard flexibility were appropriate;
  - Is not inconsistent with the designation for the Property on the CP's FLUM and GPM, the policies and goals of the Citywide and Central Washington elements of the CP, and the SAP; and
  - Had met the burden of proof for the special exception relief from the parking requirements. (Ex. 10.)

#### Department of Energy and the Environment ("DOEE") Response

45. The OP Report reported DOEE's comments that the Building incorporated numerous positive sustainable features, including the LEED v4 Gold certification, the courtyards serving as bioretention areas, solar panels, and green roofs. (Ex. 10.)

#### District Department of Transportation Report

46. DDOT filed a December 2, 2019, report (the "DDOT Report") concluding it had no objection to the Application provided the University implement its TDM and LDM plans as memorialized in the University's proposed conditions of approval. The DDOT Report supported the proposed parking relief given the numerous nearby transit options, campus shuttle system, TDM, and University policies regarding student vehicles. The DDOT Report recommended continued coordination on the public realm elements of the Building within the public right-of-way, including streetscape design and curbside management. (Ex. 11.)

#### ANC 6E Report

47. ANC 6E filed a written report dated November 20, 2019 (the "ANC 6E Report") that stated that at a duly-noticed, regularly-scheduled public meeting, with a quorum present, ANC



6E voted to support the Application's requested design review flexibility and related special exception relief, conditioned on the University: (Ex. 13.)

- Exploring the expansion of Capital Bikeshare near the Building;
- Working with DDOT to consider curbside management in front of the Building on H Street;
- Applying existing policies that prohibit students from bringing a car to the proposed Building; and
- Committing to work with students to identify off-street parking in rare exceptions where students require a vehicle.

#### ANC 6C Report

48. ANC 6C filed a written report dated December 12, 2019 (the "ANC 6C Report"), stating that at a duly-noted, regularly-scheduled public meeting, with a quorum present, it voted to support the Application's requested design review flexibility and related special exception relief, subject to the condition that the University commit to devote at least 50% of the surface area facing H Street, N.W. to display windows or entrances having clear glass and ensure visibility is not significantly blocked. (Ex. 17.)
49. Commissioner Mark Eckenwiler testified on behalf of ANC 6C at the public hearing.

#### Other Responses

50. No persons or entity filed a written response to the Application or appeared or testified in opposition to the Application.

### CONCLUSIONS OF LAW

#### Design Review Approval

1. Section 8 of the Zoning Act of 1938 authorizes the Commission to review and approval of the Application. (D.C. Official Code § 6-641.01 (2019 Repl.))
2. Pursuant to Subtitle X § 600.1, the purpose of the design review process is to:
  - (a) *Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;*
  - (b) *Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;*
  - (c) *Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;*
  - (d) *Promote high-quality, contextual design; and*
  - (e) *Provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.*

The Commission has jurisdiction to grant Voluntary Design Review approval for the proposed development and the related flexibility from the height, rear yard, and side yard requirements pursuant to Subtitle X §§ 601.2 and 603.1.

3. The Commission concluded that the Application met the eligibility requirements for a Voluntary Design Review approval as follows:
  - There is no minimum area requirement for a Voluntary Design Review application in the MU-9 zone; (Subtitle X § 601.3.)
  - The Property is a single parcel and so meets Subtitle X § 601.4's requirement that all of the property included in a Voluntary Design Review application is contiguous or separated only by a public street, alley, or right-of-way; and
  - The Building's proposed height of 110 feet is within the maximum 130 feet allowed for a PUD in the MU-9 zone (Subtitle X § 303.7), which is the maximum flexibility for height in a Voluntary Design Review application pursuant to Subtitle X § 603.2.

General Design Review Criteria (Subtitle X § 604)

4. Subtitle X § 604 requires that in order for the Commission to approve a Design Review application it must:
  - *Find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site; (Subtitle X § 604.5.)*
  - *Find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9; (Subtitle X § 604.6.)*
  - *Review the urban design of the site and the building according to certain enumerated criteria set forth below; and (Subtitle X § 604.7.)*
  - *Find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site. (Subtitle X § 604.8.)*
5. The Commission concludes that the Application meets the general design review criteria as elaborated below.

Not Inconsistent with the Comprehensive Plan (Subtitle X § 604.5)

6. The Commission concludes that the Application meets the first prong of the general design review criteria – to not be inconsistent with the CP – because the Application does not contradict any provisions of the CP and in fact furthers several principles and elements of the CP as detailed below.
7. The Commission concludes that the Building furthers the goals of the CP's GPM, which designates the Property as a Land Use Change area. The Building will create new housing that will help activate the neighborhood, support the University's development of the Capitol Campus as an anchor institution, and further the development of an increased mix of diverse and complementary uses. (Ex. 2, 10.)

8. The Commission concludes that the Application furthers the goals of the CP's FLUM designation of High Density Commercial because the 11-story Building will provide a mix of appropriate uses, and is not inconsistent with this designation. (Ex. 2, 10.)
9. The Commission concludes that the Application is not inconsistent with the CP, and furthers many of its elements, by redeveloping a vacant, transit-adjacent, commercially zoned site in Central Washington with an infill student housing development that:
  - Contributes to the residential and mixed-use character of the Downtown East neighborhood;
  - Respects the architectural design character of its immediate context;
  - Activates the public realm along H Street, N.W. with ample outdoor recreation and open space for its residents;
  - Incorporates meaningful commitments to sustainable design through solar panels, green roofs, and bioretention areas; and
  - Strengthens the University's Capitol Campus.
10. The Commission concludes that the Application furthers several elements of the SAP as well as the Downtown East Re-urbanization Strategy, by adding a residential use in a primarily commercial area, by improving the pedestrian realm, and by using a high-performance architectural design in concert with the existing architectural fabric.

Satisfaction of the General Special Exception Criteria (Subtitle X § 604.6.)

11. The Commission concludes that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9. The general special exception criteria require that a project:
  - a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and
  - b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. (Subtitle X § 901.2.)
12. The Commission concludes that the Building will be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the MU-9 zone and comply with the Zoning Regulations in terms of development standards, including FAR, lot occupancy, and proposed uses. Although the Building is not compliant with the height, rear yard, and side yard requirements of the Zoning Regulations, flexibility from these standards is permissible under the Voluntary Design Review process.
13. The Commission also concludes that the Building will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, because the Building is designed to fit in and operate compatibly with neighboring properties and uses as follows:

- a. Based on OP's analysis and recommendations, the Commission concludes that the design of the Building and related flexibility will not have adverse effects on the light, air, and access to surrounding properties, because the building fills in a gap in the streetwall at a scale and density consistent with surrounding buildings, incorporates setbacks from the properties to the east and west to maintain light and air<sup>3</sup>, and provides continued access to the Gonzaga property to the north. Because the existing Gonzaga playing fields are located to the north, the rear yard flexibility will not adversely impact structures on the Gonzaga campus to the north;
- b. The Commission finds the DDOT Report persuasive with respect to the adequacy of the University's TDM and LDM commitments to mitigate the potential transportation impacts of the Building and its related loading relief; and
- c. The Commission finds that the University's conditions of approval regarding Capital Bikeshare, curbside management, student parking policies, and ground-floor design transparency address the impacts identified by ANC 6E and ANC 6C.

Consistency with the Urban Design Criteria (Subtitle X § 604.7.)

14. The Commission concludes that the Building meets the third prong of the general design review criteria because it is consistent with each of the urban design criteria listed in Subtitle X § 604.7 and provided in italics below:

*Subtitle X § 604.7(a) - Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*

- (1) *Multiple pedestrian entrances for large developments;*
- (2) *Direct driveway or garage access to the street is discouraged;*
- (3) *Commercial ground floors contain active uses with clear, inviting windows;*
- (4) *Blank facades are prevented or minimized; and*
- (5) *Wide sidewalks are provided.*

The Building features a pedestrian-friendly and street-activating design along H Street, characterized by active ground-floor uses visible through large storefront windows punctuated by brick-clad piers, as well as multiple pedestrian entrances and ground-floor setbacks that widen the sidewalk at these entrances. Vehicular access is provided from the private service alley rather than directly from the street;

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<sup>3</sup> The University noted, however, that the five-foot side yard does adhere to the requirements of a private easement on the Property for the benefit of the property to the east. (Ex. 2, 9A.) Furthermore, the Zoning Regulations do not require any side yard for this type of structure in the MU-9 zone. (Subtitle G § 406.1.) Therefore, the five-foot side yard provides the property to the east with more separation than it is entitled to under the Zoning Regulations, and at least as much separation as it could have reasonably expected under the private easement.

*Subtitle X § 604.7(b) - Public gathering spaces and open spaces are encouraged, especially in the following situations:*

- (1) *Where neighborhood open space is lacking;*
- (2) *Near transit stations or hubs; and*
- (3) *When they can enhance existing parks and the waterfront.*

The Building will include substantial outdoor open space for building residents within two large courtyards, the size and orientation of which are made possible by the requested height and yard flexibility. Meaningful gathering spaces within the Building are also incorporated, particularly at ground and penthouse levels;

*Subtitle X § 604.7(c) - New development respects the historic character of Washington's neighborhoods, including:*

- (1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
- (2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- (3) *Development should respect and protect key landscape vistas and axial views of landmarks and important places.*

The Building has been sensitively designed to fit within its immediate architectural context through its massing, scale, color, and materials; it fills in the gap in the urban streetwall with a design that complements the brick architecture of the GPO headquarters and other surrounding buildings on H Street and also incorporates design elements that evoke the color and materiality of the University's other nearby buildings;

*Subtitle X § 604.7(d) - Buildings strive for attractive and inspired façade design that:*

- (1) *Reinforces the pedestrian realm with elevated detailing and design of first and second stories; and*
- (2) *Incorporates contextual and quality building materials and fenestration.*

The H Street façade design reinforces the public realm with an articulated, transparent base while at the upper stories, the façade provides an inspired architectural statement through the balance of its contextually-appropriate brick base and neoclassical rhythm and with contemporary design elements, including terracotta wrap as well as offset and irregular window patterning;

*Subtitle X § 604.7(e) - Sites are designed with sustainable landscaping.*

The Building incorporates bioretention facilities at ground level and green roofs on the roof, both of which were commented on favorably by DOEE; and

*Subtitle X § 604.7(f) - Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*

- (1) *Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
- (2) *The development incorporates transit and bicycle facilities and amenities;*
- (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*
- (5) *Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

The Building advances connectivity through on-site bicycle parking and facilities, the University's support for additional Capital Bikeshare in the neighborhood and the retention of the private service alley, which maintains off-street access to both the Property and Gonzaga.

15. The Building demonstrates superior design, site planning, safe pedestrian access, and other features that are superior to typical matter-of-right development. Because of this, the Building satisfies the urban design criteria of Subtitle X § 604.7 in a way that is superior to matter-of-right development of the Property.

#### **Special Exception Approval for Relief from the Parking Requirements**

16. Pursuant to Subtitle X § 603.3, the Commission is authorized to consider special exception relief simultaneously with a Design Review application, subject to all applicable special exception criteria.
17. Pursuant to Subtitle C § 703.2, the Application requested special exception approval for relief from the vehicle parking requirements of Subtitle C § 701.5. The Commission concludes that the Application has met these special exception standards as detailed below:

*Subtitle C § 703.2 - The [Zoning Commission] may grant a full or partial reduction in the number of requirements parking spaces, subject to the general special exception requirements of Subtitle X and the Applicant's demonstration of at least one of the following:*

- ...
- (b) *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities; ...*

...

  - (e) *The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards; ...*

The Building is a student residence hall located within a couple of blocks of the University's Capitol Campus. Furthermore, the Building is located in the downtown core and is well served by multiple modes of transportation, which student residents will be able to use to get to work, handle shopping and errands, and go out for entertainment and cultural activities. For those students that may have a need to travel to the Main Campus, the University's shuttle bus system as well as public transit alternatives provide direct connections.

As with the Building, the relief from the parking requirements satisfies the general special exception standards. In addition to the reasons set forth above, parking relief here is not inconsistent with the zone plan because the Property is across the street from property in the Downtown zone, which has no parking requirement, and parking relief is not likely to adversely affect the parking supply on neighboring streets because the Property is commercially zoned and its residents are therefore excluded from participating in the District's Residential Parking Permit system;

*Subtitle C § 703.3 – Any reduction in the required number of parking spaces shall only be for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in demand demonstrated by the applicant.*

The Commission concludes that this prong only applies when an applicant for parking relief claims a reduction due to “physical constraints of the property” under Subtitle C § 703.2(a). Because the University is claiming relief under other justifications that are not tied to the physical parameters of the property or site, this criterion is inapplicable; and

*Subtitle C § 703.4 – Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the [Zoning Commission's] approval.*

DDOT accepted the University's proposed TDM measures and they have been incorporated as conditions of approval of this Order.

**“Great Weight” to the Recommendations of OP**

18. The Commission must give “great weight” to the recommendation of OP pursuant to § 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.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
19. The OP Report recommended approval of the Application, subject to the condition that IZ should apply if “the building or a portion of the building [is] no longer used as a student residence hall **exclusively for Georgetown University students.**” (Ex. 10 at 1 [emphasis added].)

20. The Commission accepts the University's slightly different IZ exemption condition that permits the University to house, in addition to Georgetown University students, "students from other educational institutions within the Building in a manner that is consistent with the customary housing of such students in residence halls (for example, students in exchange or short-term District-based programs and students who come to the District during the summer months)." (Ex. 14.) The Commission concludes that the University's proposed condition preserves the spirit of OP's proposal, which is that IZ applies to the Building if it is converted to another use, while at the same time reflects the true nature of the University's proposed student residence hall use. The Commission therefore concurs with OP's analysis and recommendation to approve the Application.

**"Great Weight" to the Written Report of the ANC**

21. The Commission must give "great weight" to the issues and concerns of the affected ANC expressed in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
22. The ANC 6E Report recommended approval subject to three conditions that addressed its issues and concerns. The Commission concludes that the University's acceptance of these conditions has addressed the ANC's issues and concerns and therefore concurs with ANC 6E that the Application should be approved.
23. The ANC 6C Report also recommended approval subject to one condition that addressed its issues and concerns. The Commission concludes that the University's acceptance of these conditions has addressed the ANC's issues and concerns and therefore concurs with ANC 6E that the Application should be approved.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the University has satisfied its burden of proof and therefore **APPROVES** the Application for:

- Voluntary Design Review approval under Subtitle X, Chapter 6, with flexibility from the height, side yard, and rear yard requirements under Subtitle X § 603.1; and
- Special exception relief pursuant to Subtitle X § 603.3 and Subtitle C § 703.2 from the vehicle parking requirements of Subtitle C § 701.5.



Said approval is subject to the following conditions, standards, and flexibility:

1. **Building Development.** The Building shall be built in accordance with the plans and elevations dated November 22, 2019, and marked as Exhibit 9E1-9E4 of the record (the “Approved Plans”), and with flexibility from the height, side yard, and rear yard requirements, and the special exception relief requested, subject to the following areas of flexibility:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
  - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Approved Plans;
  - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Approved Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
  - d. To provide a range in the approved number of dwelling units and number of beds of plus or minus 10%;
  - e. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
  - f. To vary the final streetscaping and landscaping materials on private property as shown on the Approved Plans based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
  - g. To vary the amount, location and type of green roof, solar panels, bioretention areas, paved areas, and affected amenity spaces to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Building achieves a minimum GAR of 0.2, and provides a minimum of 3,000 square feet of solar panels;
  - h. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems;

- i. To vary the final design and layout of the indoor and outdoor amenity spaces to reflect their final design and programming, including the type and design of the shading structures located in the interior courtyards; and
  - j. To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the Order and are compliant with the District of Columbia's signage regulations.
2. **Inclusionary Zoning Exemption.** The Building shall be developed by the University as a residence hall exclusively for its students, faculty, and staff as follows:
  - a. During the period of use as a residence hall, the University shall be permitted to house students from other educational institutions within the Building in a manner that is consistent with the customary housing of such students in residence halls (for example, students in exchange or short-term District-based programs and students who come to the District during the summer months); and
  - b. In the event of a change in use of all or a portion of the building from a residence hall to another multifamily residential use that would be subject to the Inclusionary Zoning requirements of Subtitle C, Chapter 10, the provisions of that chapter shall apply to such use.
3. **Ground-Floor Windows.** The ground story shall devote at least 50% of the surface area facing H Street to display windows or pedestrian entrances having clear low-emissivity glass and ensure that the view through the display windows and pedestrian entrances is not blocked for at least 10 feet in from the building face.
4. **LEED.** The Building shall achieve certification from the U.S. Green Building Council at the level of LEED Gold v4, provided that the University shall have the flexibility to vary the approved sustainable features of the Building as long as the total number of LEED points achievable for the Building does not decrease below the minimum required for the foregoing LEED standard.
5. **Transportation Management Plan. For the life of the Building,** the University shall adhere to the following transportation management plan measures:
  - a. The University will identify a Transportation Coordinator for the planning, construction, and operations phases of development. The Transportation Coordinator will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and their contact information will be shared with goDCgo;

- b. Employees and students will be included in Georgetown University's annual commute survey. This survey data and a report of other TDM activities will be included in the Annual Transportation Monitoring Report presented to DDOT;
- c. The Transportation Coordinator will develop and distribute marketing materials promoting various transportation options and encouraging participating in transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day). This will be done through the use of internal building communications or as a larger campus-wide communication effort to the Georgetown University community through email notices, newsletters, or website announcements;
- d. The Transportation Coordinator will receive TDM training from goDCgo to learn about the TDM conditions for this Building and available options for implementing the TDM Plan;
- e. New residents will be provided welcome packets that include information about Metrorail, local bus lines (Circulator and Metrobus), the Georgetown University shuttle, Capital Bikeshare, and the most recent DC Bike Map. Brochures for all nearby transportation options will be available onsite. This information will also be highlighted on the University's transportation webpage;
- f. Employees will receive information about carpool matching services sponsored by the Metropolitan Washington Council of Governments ("MWCOG") or other comparable service if MWCOG does not offer this in the future;
- g. The Transportation Coordinator will subscribe to goDCgo's residential newsletter;
- h. A transportation event for residents and employees will be held once per year. Examples include resident social, walking tour of local transportation options, goDCgo lobby event, transportation fair, WABA Everyday Bicycling seminar, bicycle safety/information class, bicycle repair event, etc.;
- i. The Capital Bikeshare for Universities discount for students and the Capital Bikeshare Corporate Program discount for employees will be promoted and administered;
- j. The University will provide one collapsible shopping cart (utility cart) for every 50 students, for a total of 10 for students/residents use to walk to the grocery shopping and run errands;
- k. The University will work with DDOT to evaluate the feasibility of providing a dedicated pick up and drop off zone along H Street;

- l. The University will continue to evaluate possibly extending shuttle service directly to the Property. This will include evaluating the student population residing in the building and deciding if a shuttle route would be appropriate in consideration of the other transportation options in immediate vicinity;
- m. Subject to reasonable, very limited exceptions, student residents shall not be permitted to bring a car to the proposed Building. If the University determines that student resident of the proposed Building requires a vehicle, the University will work with the student to identify a parking space for that student within nearby University-controlled parking or a nearby commercial parking facility;
- n. **Prior to the issuance of a certificate of occupancy for the Building**, the University shall demonstrate that it has installed a Transportation Information Center Display (electronic screen) within the lobby containing information related to local transportation alternatives such as information about nearby Metrorail stations and schedules, Metrobus stops and schedules, carsharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles;
- o. **Prior to the issuance of a certificate of occupancy for the Building**, the University shall demonstrate that it has provided a long-term bicycle storage room as well as a shower and lockers for cyclists on the ground level of the building with a minimum of 100 bicycle parking spaces as shown on the Approved Plans;
- p. **Prior to the issuance of a certificate of occupancy for the Building** and subject to approval by public space officials as needed, the University shall demonstrate that it has installed 14 short-term bicycle parking spaces either in front of the Building as shown on the Approved Plans or in the adjacent public space;
- q. **Prior to the issuance of a certificate of occupancy for the Building**, the University shall demonstrate that it has funded either the expansion of an existing Capital Bikeshare station or construction of a new Capital Bikeshare station within ½ mile of the Building;
- r. **Following the issuance of a certificate of occupancy for the Building**, the University shall submit documentation used to summarize compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and
- s. **Following the issuance of a certificate of occupancy for the Building**, the Transportation Coordinator will submit a letter to the Zoning Administrator, Office of Zoning, DDOT, and goDCgo every five years (as measured from the final

certificate of occupancy for the Building) summarizing compliance with the transportation and TDM conditions in the Order.

6. **Loading Management Plan. For the life of the Building**, the University shall adhere to the following loading management plan measures:
- a. A member of the Building's maintenance team will coordinate with vendors and tenants to schedule deliveries and will coordinate with the community and neighbors to resolve any conflicts should they arise;
  - b. All tenants will be required to schedule deliveries that utilize the loading dock (any loading operation conducted using a truck 20 feet in length or larger) and all loading activities are required to occur at the loading docks;
  - c. The maintenance team will schedule deliveries such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as not to compromise safety or impede street or intersection function;
  - d. The maintenance team will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along the alley (except during those times when a truck is actively entering or exiting a loading berth);
  - e. Trucks larger than a SU30 will not be permitted to make deliveries to the loading docks;
  - f. Trucks using the loading docks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route Map ([godcgo.com/truckandbusmap](http://godcgo.com/truckandbusmap)); and
  - g. The maintenance team will be responsible for disseminating suggested truck routing maps to the Building's tenants as needed, and to drivers from delivery services that frequently utilize the development's loading dock as well as notifying all drivers of any access or egress restrictions. The maintenance team will also distribute materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The on-site maintenance team will also post these documents and notices in a prominent location within the service areas.

7. The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for a building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order as specified in Subtitle Z § 702.3.

**VOTE (December 12, 2019):**      **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 19-20 shall become final and effective upon publication in the *D.C. Register*; that is, on May 1, 2020.

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**  
**Z.C. ORDER NO. 19-23**  
**Z.C. Case No. 19-23**  
**Wells REIT II 80 M Street, LLC**  
**(Square 699, Lot 28 [80 M Street, S.E.])**  
**February 10, 2020**

At its properly noticed public meeting on January 9, 2020, the Zoning Commission for the District of Columbia (the “Commission”) considered the application of Wells REIT II 80 M Street, LLC (the “Applicant”) for a mandatory Design Review for the proposed renovation of and addition to the existing building (the “Project”) located at 80 M Street, S.E. (Square 699, Lot 28) (the “Property”) in the D-5 zone and M and South Capitol Streets Sub-Area (“Application”). The Applicant requested Design Review pursuant to Subtitle I §§ 616.6, 616.8, and 701 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (the “Zoning Regulations,” to which all references are made unless otherwise specified). The Commission considered the Application for the Project pursuant to Subtitles X and Z. For the reasons below, the Commission hereby **APPROVES** the Application.

**FINDINGS OF FACT**

Notice

1. Pursuant to Subtitle Z § 301.6, on August 20, 2019, the Applicant mailed a Notice of Intent to file a Design Review application to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6D, the “affected ANC” per Subtitle Z § 101.8.
2. By letter dated November 5, 2019, the Office of Zoning (“OZ”) sent notice of the January 9, 2020 public hearing to:
  - The Applicant;
  - ANC 6D;
  - ANC Single Member District (“SMD”) 6D02;
  - Office of ANCs;
  - The Office of Planning (“OP”);
  - The District Department of Transportation (“DDOT”);
  - The District of Columbia Housing Authority (“DCHA”);
  - The Office of the Attorney General;
  - The Department of Energy and Environment (“DOEE”);
  - The Ward 6 Councilmember; Chair of the Council, and the At-Large Councilmembers; and
  - Owners of property within 200 feet of the Property.  
(Exhibit [“Ex.”] 5, 6.)
3. Pursuant to Subtitle Z § 402, on November 4, 2019, OZ also published the Notice of Public Hearing in the *D.C. Register*. (Ex. 4.)

Parties

4. Apart from the Applicant and ANC 6D, there were no parties to the proceeding.

5. One of the residents of the neighboring condominium building located at 1025 First Street, S.E. (the “Velocity Building”), Jordan Cox, filed a request for party status on January 7, 2020, two days before the hearing, as well as a request to waive the 14-day filing deadline for party status requests. (Ex. 13, 13A.)
6. At the public hearing, the Commission voted to deny the request to waive the filing deadline, finding that Mr. Cox had sufficient notice of the Application to submit a timely party status request and had not demonstrated good cause for the requested waiver. Further, the Commission determined that, even if it were to reach the merits of Mr. Cox’s party status request, his request did not meet the standard for party status because he had failed to demonstrate that he would be uniquely affected by the Project in a manner different from other residents of the Velocity Building with units on the south side facing the Project. (January 9, 2020 Public Hearing Transcript [“Jan. 9 Tr.”] at 6-9.)

#### The Property

7. The Property contains approximately 45,117 square feet (or 1.03 acres) of land area and comprises half of the north side of M Street between Half and First Streets, S.E. (Ex. 2.)
8. The Property is bound to the east by First Street, S.E., to the south by M Street, S.E., to the west by Cushing Place, S.E., and to the north by L Street, S.E. The Property is located one block north of Nationals Park and one block west of the Navy Yard-Ballpark Metrorail Station. (Ex. 2, 9A.)
9. The Property is improved with a seven-story building with a height of 89 feet, 9 inches and approximately 292,100 square feet of gross floor area (“GFA”).
10. The surrounding area consists primarily of a mix of high-density uses, including office buildings, hotels, and multifamily residential buildings, all with a variety of ground-floor retail, service, and eating and drinking establishment uses. The vicinity includes areas zoned D-5, CG, SEFC-1A, and MU-10, with areas zoned RA-2 further east and areas zoned RF-1 further southwest of the Property. (Ex. 2, 9A.)
11. The Property is located in the D-5 zone and the M and South Capitol Streets Sub-Area. The purpose of the D-5 zone is to promote high-density development of commercial and mixed uses. (Subtitle I § 538.1.) The objectives of the M and South Capitol Streets Sub-Area are to ensure the preservation of this historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood. (Subtitle I § 616.1.)
12. The Generalized Policy Map (“GPM”) of the Comprehensive Plan (Title 10A of the DCMR, the “CP”) designates the Property as a Land Use Change Area. The primary purpose of the Land Use Change Areas is “to encourage and facilitate new development and promote the adaptive reuse of existing structures.” The CP also notes that redevelopment in these areas should:



[C]reate high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods. Programs to avoid and mitigate any undesirable impacts of development of the Land Use Change Areas upon adjacent neighborhoods should be required as necessary. (CP § 223.9-223.12.)

13. The CP's Future Land Use Map ("FLUM") designates the Property as High-Density Commercial, defined by the CP as appropriate for the major office employment centers in and near the downtown characterized by office and mixed office/retail buildings greater than eight stories in height, although interspersed with many lower-scale buildings (including historic buildings). The CP specifically identified the High-Density Commercial as applicable to the C-3-C zones that include the D-5 zone in which the Property is located. (CP § 225.11.)

#### The Project

14. The Applicant proposes to renovate the existing seven-story office building and construct a two-story addition with a height of 128 feet, 9 inches, including a habitable penthouse of approximately 24,516 square feet of GFA for a total of approximately 87,506 additional square feet of GFA (the "Project"). The Project would have a total of approximately 378,266 square feet of GFA, a floor area ratio ("FAR") of 8.38.<sup>1</sup> (Ex. 2, 9A.)
15. The Project will be devoted to office use, with a portion of the penthouse also being devoted to shared amenity space for office tenants. (Ex. 2, 9, 9A.)
16. The Project is designed to strengthen the building's presence at the corner of M and First Streets, S.E., and improve the overall streetscape with the following aspects:
  - (a) A vertical addition consisting primarily of new glass curtainwall with metal trim on all façades. The vertical expansion will have metal panel and terracotta accents that will complement the glass façade and will include a new canopy of roof structures consisting of metal panel and wood soffit and supported by "Y"-shaped steel columns;
  - (b) Maintain the existing curtainwall glass façade at the south portion of the building and the existing brick façades along the east, west, and north sides of the building. The columns at the ground level will receive new metal panel column covers with accents, and a new metal panel apron will highlight a new wood soffit at the existing recessed entry. The proposed wood soffit will have a three-dimensional gradient design that mimics the geographical convergence of the Potomac and Anacostia Rivers. The building entry will be relocated one column bay to the east in order to

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<sup>1</sup> The proposed GFA includes approximately 4,458 square feet (or approximately 0.1 FAR) of penthouse habitable space that exceeds the maximum 0.4 FAR of habitable space excludible from FAR under Subtitle C § 1501.3(c). The above-referenced total of 24,516 square feet of habitable penthouse space includes the space that counts towards the building's FAR. (Ex. 2, 9A.) The Applicant is utilizing density credits in order to construct nonresidential FAR in excess of the maximum 6.5 FAR permitted in the D-5 zone.

better highlight the corner of the building at First and M Streets, S.E. and coordinate with the new wood soffit feature;

- (c) Interior renovations that will include updates to the lobby and expansion of the existing fitness center on the ground floor;
- (d) A lighting plan to ensure that the proposed renovations and addition do not result in any adverse impact on nearby residences, as well as a signage plan; and
- (e) Use of mass timber to construct the proposed addition, which provides environmental benefits as this type of construction is capable of achieving a total carbon footprint equal to only a third of that of similarly sized steel and concrete buildings. Timber will be incorporated in both the internal support systems and interior design of the upper-story addition, and it will also be communicated at the street level by way of the wood soffit feature and reiterated in the soffits proposed for the 8<sup>th</sup> floor and penthouse terraces.

(Ex. 2, 9A, 19B.)

#### Relief Requested

17. The Application requests Design Review approval as required by Subtitle I §§ 616.6 and 616.8, and pursuant to the criteria of Subtitle I, Chapter 7, for an addition to a building with “frontage on a designated street segment within the M and South Capitol Streets Sub-Area.” The Application did not request any additional zoning relief.

#### Applicant’s Justification

18. In addition to the testimony at the public hearing, the Applicant made a total of seven submissions to the record in support of the Application:
- (a) Initial Application dated October 22, 2019 requesting design review approval (the “Initial Application”); (Ex. 2-2E3.)
  - (b) A transportation statement dated December 10, 2019 (the “Transportation Study”); (Ex. 8.)
  - (c) A prehearing submission dated December 20, 2019 (the “Pre-Hearing Statement”); (Ex. 9-9E.)
  - (d) Presentation materials for the January 9, 2020 public hearing (the “Hearing Presentation”); (Ex. 19A1-19B2.)
  - (e) A post-hearing submission dated January 20, 2020 (the “Post-Hearing Statement”); (Ex. 21.)

- (f) A second post-hearing submission dated February 3, 2020, responding to the Commission's requests at the January 27, 2020 public meeting (the "Second Post-Hearing Statement"); and (Ex. 25-25D.)
- (g) A statement in opposition to ANC 6D's motion to postpone dated February 7, 2020. (Ex. 27.)

#### Initial Application

19. The Initial Application included a complete set of plans as well as the Applicant's justification for design review approval. The Application asserted that the Project's height of 128 feet, 9 inches is within the maximum 130 feet permitted in the D-5 zone,<sup>2</sup> and that the Project's height and 8.38 FAR is consistent with the FLUM's high-density commercial designation, and that the office use will provide a daytime presence in the community and complements the existing uses in the neighborhood.

#### Transportation Study

20. The Applicant's Traffic Study concluded that:
- (a) The Project will maintain the existing single parking and loading entrance on L Street, S.E.;
  - (b) The existing office building currently enjoys a 71% non-auto split during the AM peak hour and 63% non-auto split during the PM peak hour;
  - (c) The Vehicular parking supply will be reduced from 295 spaces to 288 spaces to accommodate long-term bicycle parking in the garage;
  - (d) The non-auto mode split was expected to increase with the implementation of a TDM Plan and the proposed reduction in parking; and
  - (e) The Project was not expected to have an adverse impact on the transportation facilities and services surrounding the Property.

#### Pre-Hearing Statement

21. The Applicant's Prehearing Statement included:
- (a) An updated Transportation Statement, including the Applicant's proposed Transportation Demand Management ("TDM") Plan and Loading Management Plan ("LMP") for the Project. The conclusions of the Traffic Study were otherwise unchanged; (Ex. 9C at 7-10.)
  - (b) Updated architectural plans;

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<sup>2</sup> A maximum height of 130 feet is permitted in the D-5 zone for properties fronting a street right-of-way with a width of 110 feet or greater such as First Street, S.E. (Subtitle I § 540.1.)

- (c) A shadow study prepared for the ANC showing the impact of the proposed addition on the Velocity Building to the north; and
- (d) A summary of witness testimony and the resumes of the proffered expert witnesses.

#### Public Hearing Presentation

- 22. At the January 9, 2020, public hearing, the Applicant presented the Project and responded to questions from the Commission, including discussing the Applicant's outreach efforts with the ANC and Velocity residents. David Cheikin testified on behalf of the Applicant, as did Tom Corrado of Hickock Cole Architects, the designer of the Project.
- 23. The Applicant's presentation materials responded to questions and issues raised in the OP Report by including a revised set of plans that contained details on the green roof, planting details, signage details, and the LEED scorecard for the Project. (Ex. 19A1 at 15-19; 19B1 at 47-49.)
- 24. The Applicant testified about its community outreach about the Project, including:
  - Three presentations to ANC 6D that were made on October 15, 2019, October 21, 2019, and December 9, 2019; and
  - A meeting with the residents of the Velocity Building on November 12, 2019. (Ex. 2.)

#### Post-Hearing Statement

- 25. The Applicant's Post-Hearing Statement responded to the Commission's requests for additional information at the end of the public hearing as follows:
  - (a) An update regarding the Applicant's meeting with the Velocity Building residents on January 15, 2020;
  - (b) Information regarding the challenges associated with installing solar panels on the penthouse roof; and
  - (c) The projected Affordable Housing Trust Fund payment for the proposed penthouse habitable space.

#### Second Post-Hearing Statement

- 26. The Applicant responded to the requests of the Commission at the January 27, 2020, public meeting in the Second Post-Hearing Submission as follows:
  - (a) A light study of the Project and additional information regarding the potential impacts from the Project's interior office lighting and from potential "peekaboo" views into the Velocity Building;
  - (b) Commitments to install programmable mechanical blinds on the north side of the proposed addition, which can be programmed to adjust in order to minimize visibility between the Project and the Velocity Building;

- (c) Commitments to conduct a review of offices in the existing building to ensure that all light switches on the north side of the building operate on motion sensors and replace any lights that are not motion-triggered; and
- (d) A commitment to install the solar panels that were shown in the updated penthouse plan attached to the submission.

#### Opposition to the ANC's Motion to Postpone

27. The Applicant's opposition to ANC 6C's motion to postpone detailed its communications with the ANC and with the other stakeholders potentially affected by the Project, including the residents of the Velocity Building. The Applicant also noted that it had provided the information requested by the Commission at the January 9, 2020, public hearing and the January 27, 2020, public meeting.

#### Responses to the Application

##### OP Report

28. OP filed a report, dated December 30, 2019 (the "OP Report"), recommending approval of the Application and it testified in support at the public hearing. (Ex. 11.) OP examined the Project against the design review criteria and found that the Project satisfied each relevant condition of Subtitle I, Chapter 7, and the general special exception standards of Subtitle X, Chapter 9. (Subtitle I § 701.2(a).)
29. OP also found that the Project is not inconsistent with the designations for the Property on the CP's GPM and FLUM. Similarly, OP concluded that the Project conforms to and furthers policies in the CP's Land Use, Transportation, Environmental Protection, Economic Development, and Urban Design Elements.
30. The OP Report requested that the Applicant provide:
- (a) A LEED checklist for the Project;
  - (b) A calculation of green roof area;
  - (c) A plant material palette for the ground level and roof terrace; and
  - (d) A signage plan.
31. At the January 9, 2020, public hearing, OP stated that the Applicant had satisfactorily addressed OP's requests in the Applicant's Public Hearing Presentation. (Jan. 9 Tr. at 38-39.)

##### DDOT Report

32. DDOT filed a report dated December 27, 2019 ("DDOT Report"), stating that it had no objection to the approval of the Project, conditioned on the Applicant implementing the TDM and LMP measures included in the updated Transportation Statement, based on the DDOT Report's conclusion that the Property's proximity to public transit, reduced vehicle

parking, and robust TDM and Loading Plans would result in the Project having a minimal impact on the surrounding transportation network.

#### ANC Report

33. ANC 6D submitted a report (the “ANC Report”), stating that at its regularly scheduled and duly noticed public meeting on December 9, 2019, ANC 6D voted not to oppose the Application, contingent upon the Applicant’s commitment to make available the public meeting area in the lobby of the Project for monthly community meetings. (Ex. 15.) The ANC Report noted that:
- The ANC had held a November 12, 2019, meeting to provide Velocity Building residents an opportunity to discuss the Project with the Applicant, that it had received letters in opposition to the Project from Velocity Building residents, and that it urged the Commission to take those concerns into account in reaching its decision;
  - The Applicant prepared a sun/shadow study at the ANC’s request, which shows shadows cast on three additional floors of the Velocity Building during the winter months; (Ex. 9B as updated in Ex. 19A.)
  - The ANC is actively working with DDOT to improve pedestrian safety at the intersection of First and L Streets, S.E. in response to neighborhood concerns about additional construction; and
  - The ANC supports the Project’s use of sustainable materials and the incorporation of local geography, specifically the confluence of the Anacostia and Potomac rivers, into the design.
34. On February 7, 2020, ANC 6C filed a motion requesting the Commission postpone its scheduled February 10, 2020, decision meeting because the ANC had not yet had a chance review the light study with the Applicant and wanted further clarification from the Applicant, including the potential of installing sensors and shades in the Project to further mitigate light impacts. (Ex. 26.)
35. At the February 10, 2020, decision meeting, the Commission voted to deny the ANC’s motion, noting that the Commission believed that the Applicant had provided comprehensive responses to the main concerns raised by the ANC Report, the residents of the Velocity Building, and the Commission. (February 10, 2020 [“Feb. 10”] Public Meeting Tr. at 10-12.)

#### Other Responses

36. Several residents of the Velocity Building submitted letters in opposition to the Project. (Ex. 14, 16, 17, 18.) Their concerns regarding the Project were:
- Impacts to views available from south-facing units and from the Velocity Building’s rooftop amenities;
  - Impacts to light from the proposed addition;

- Questions regarding the Applicant’s shadow study;
  - Potential impact to pedestrian and bicycle safety created by additional shadows being cast on the intersection of First and L Streets, S.E.;
  - Construction impacts;
  - Increased development in the surrounding area; and
  - Potential environmental impacts from the proposed addition.
37. Three Velocity Building residents – Jordan Cox, Bob Jacobs, and Caroline Ash – testified in opposition to the Project at the January 9, 2020, public hearing.
38. The Velocity Building residents who testified at the hearing, reported on their January 15, 2020, meeting with the Applicant through letters submitted on January 20, 2020, in which they stated their concerns with the Project’s light pollution and construction. (Ex. 22-24.)

### **CONCLUSIONS OF LAW**

1. Section 8 of the Zoning Act of 1938 authorizes the Commission to review and approval of the Application. (D.C. Official Code § 6-641.01 (2019 Repl).)
2. The Commission concludes that the Application has satisfied the Design Review requirements of Subtitle I §§ 616.6 and 616.8, which require the Application meet the criteria of Subtitle I § 701.1, as detailed below.

#### **M and South Capitol Streets Sub-Area Design Review Criteria (Subtitle I § 701.2.)**

##### **Satisfaction of the General Special Exception Criteria (Subtitle I § 701.2(a).)**

3. The Commission concludes that Project satisfies the general special exception criteria of Subtitle X, Chapter 9:
  - (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*
  - (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
  - (c) *Will meet such special conditions as may be specified in this title.*
4. The Commission concludes that the Project will:
  - Be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the D-5 zone;
  - Comply with the development standards, particularly the height and density are consistent with that envisioned for the D-5 zone;
  - Introduce an attractive and interesting design to the area that strengthens the building’s corner presence and contributes to the pedestrian streetscape; and
  - Create more office space in the Central Employment Area and enable the building to accommodate a new single tenant in furtherance of the District’s economic development goals.

5. The Commission also concludes that the Project will not adversely affect the use of neighboring property because the Project:
- Keeps with the scale of density and height of the surrounding buildings, which consist largely of 10-12-story commercial and residential buildings, and fits appropriately into that context;
  - Renovates and expands an existing office use, which will complement the mix of uses in Navy Yard and continue to generate daytime commercial activity in the area;
  - Is thoughtfully designed to minimize any impacts on adjacent properties, including the Velocity Building to the north; and
  - Will maintain the current site vehicular circulation that serves to mitigate any transportation impacts associated with the building as confirmed by the Applicant's Traffic Study and the DDOT Report.
6. As regards the potential adverse effects raised by the Velocity Building residents, the Commission concludes that the Applicant has adequately responded in its submissions and testimony, to the extent the potential adverse impacts are relevant to the design review criteria applicable to the Application, as follows:
- (a) Potential shadow impacts – the Commission credits the shadow study submitted by the Applicant, which shows very little impact to the light available the Velocity Building during the majority of the year, with a relatively minor impact during the winter months. The Commission notes that there is no impact shown at any point in the year to the upper-story units occupied by Mr. Cox and Mr. Jacobs. Although questions were raised at the public hearing regarding the accuracy of the shadow study because the Applicant's initial study (Ex. 9B) did not show the Velocity Building's partially below-grade level visible on the south facing façade along L Street, S.E., the Commission notes that the Applicant updated the shadow study to show this below-grade level (Ex. 19A), and concludes that this minor discrepancy does not undercut the otherwise accurate depiction in the studies of shadows cast by the Project across the year;
- (b) Potential light pollution impacts – the Commission credits the Applicant's light study that shows the light traveling to the Velocity Building will be minimal. (Ex. 25B.) The Commission also notes that the Applicant has offered to install programmable mechanical blinds on the north side of the proposed addition, which can be programmed to adjust in order to minimize visibility between the Project and the Velocity Building; and to conduct a review of offices in the existing building to ensure that all light switches on the north side of the building operate on a motion sensor, and will replace any lights that are not motion-triggered;
- (c) Potential construction impacts – the Commission notes that construction impacts are not within the Commission's jurisdiction in considering a design review application. As regards the concerns raised at the public hearing about potential asbestos removal and hazardous material abatement, the Commission credits the Applicant's testimony that the existing building was constructed in 2001, well after



asbestos had been banned by the federal government in the 1980s. Further, the Property is already developed with a commercial use and does not require any treatment for hazardous materials; and

- (d) Potential loss of neighbors' views – the Commission notes that there is no entitlement to a view across another's property in the District of Columbia. (*See Hefazi v. Stiglitz*, 862 A.2d 901, 911 (D.C. 2004); *Ash v. Tate*, 73 F.2d 518, 519 (D.C. Cir. 1934).)

Satisfaction of the M and South Capitol Streets Sub-Area Design Review Criteria

7. The Commission also concludes that the Application meets the M and South Capitol Streets Sub-Area design review criteria as detailed below.

Subtitle I § 701.2(a)(1) - The Project will help achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6.

8. The Project achieves the objectives of the M and South Capitol Streets Sub-Area that are set forth above and outlined in Subtitle I § 616.1, because the Property will:
- Have no impact on the axial views of the Capitol Dome due to the Property's location between Half and First Streets, S.E., which does not abut any of the axial thoroughfares running from the Capitol, such as South Capitol Street or New Jersey Avenue; and
  - Further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood by updating the existing building and strengthening the stock of commercial office buildings in the area, which will help to continue generating an appropriate level of daytime activity in the neighborhood.

Subtitle I § 701.2(a)(2) - The Project will be in context with the surrounding neighborhood and street patterns.

9. The Project is consistent with the other development and uses in the surrounding area, which consist primarily of a mix of high-density office buildings, hotels, and multifamily residential buildings, as well as National Park, one block south of the Property. The surrounding buildings are generally 10-12 stories in height and, like the existing building on the Property, focus pedestrian entrances along M and First Streets, S.E., with service access more frequently accommodated along L Street. In addition, the Project will contribute to the streetscape and pedestrian environment, shifting the building entrance slightly east to reemphasize the corner at M and First Streets, S.E., and strengthen the building's presence at this intersection. The corner emphasis in the design will better animate the streetscape with the wood soffit features and steel Y-shape supports and columns.

Subtitle I § 701.2(a)(3) - The Project will minimize conflict between vehicles and pedestrians.

10. The Project will minimize any potential conflicts between vehicular and pedestrian traffic by maintaining the existing vehicular access to the Project on L Street, S.E., and so keep the Project's loading facilities and garage entrance off the primary designated segment of M Street, S.E., where pedestrian traffic is largely concentrated.

*Subtitle I § 701.2(a)(4) - The Project will minimize unarticulated blank walls adjacent to public spaces through façade articulation.*

11. The proposed building façades are highly articulated and defined and incorporate high-quality building materials. The proposed vertical addition will consist of glass curtainwall with metal trim on all façades and metal panel and terracotta accents to complement the glass façade. The building columns at the ground level will receive new metal panel column covers with accents, and a new metal panel apron will highlight a new wood soffit at the existing recessed entry. The design will elevate the building's street presence by strengthening focus at the corner of M and First Streets, S.E., through the textural contrast between the timber and steel features and the artful expression of the wood soffits will help to elevate this portion of M Street, S.E.

*Subtitle I § 701.2(a)(5) - The proposed building will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.*

12. The Project is pursuing LEED certification for new construction. Some of the key "green" features being pursued include low flow plumbing fixtures, green roof, mass timber structure, a VRF mechanical system, and energy efficient destination dispatch elevators. The Project also utilizes the new mass timber construction method that offers environmental benefits and a reduced carbon footprint. These features will minimize the impact of the Project on the environment and will further the District's environmental and sustainability policy objectives.

"Great Weight" to the Recommendations of OP

13. The Commission must give "great weight" to the recommendation of OP, pursuant to § 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)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016).)
14. The Commission finds OP's analysis of the Project and recommendation to approve the Application persuasive and concurs with that judgment.

"Great Weight" to the Written Report of the ANC

15. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl)) and Subtitle Z § 406.2. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

16. The Commission concludes that the ANC Report's issues and concerns about potential impacts on the surrounding properties by increased shade and by traffic and pedestrian safety have been satisfactorily addressed by the Applicant's responses to the ANC Report.
17. The Commission also notes that the ANC Report was mindful of concerns raised by the Velocity Building residents. The Commission continued its decision on this case twice to allow the Velocity Building residents additional time to communicate their concerns directly to the Applicant. The Commission notes that the Applicant made several commitments to mitigate these potential concerns, including commitments to install programmable mechanical blinds on the north side of the proposed addition to minimize visibility between the Project and the Velocity Building; and to conduct a review of offices in the existing building to ensure that all light switches on the north side of the building operate on a motion sensors, and replace any lights that are not motion-triggered. Therefore, the Commission concludes that the concerns of the Velocity Building residents, as referenced by the ANC Report, have been addressed.

### **DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore orders **APPROVAL** of the Application for Design Review approval under Subtitle I §§ 616.6, 616.8, and 701, subject to the following conditions, standards, and flexibility:

1. **Project Development.** The Project shall be built in accordance with the plans and elevations dated December 20, 2019, and marked as Exhibit 9A1-9A3 and supplemented by Exhibit 19A1-19A2 and Exhibit 19B1-19B2, and by Exhibits 25B, 25C, and 25D of the record (the "Approved Plans"), subject to the following design flexibility from the Approved Plans:
  - (a) Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the Order;
  - (b) Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the Order;
  - (c) Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;

- (d) Parking Layout: To make refinements to the approved vehicular and bicycle parking configuration, including layout and number of parking space plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
  - (e) Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and
  - (f) Signage: To vary the final design of the signage for the Project, subject to full compliance with applicable signage restrictions under the D.C. Building Code and consistent with the indicated dimensions shown on sheet 29, Exhibit 19A2, of the Final Plans.
2. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall demonstrate that it has:
- (a) Installed the solar panels shown in the updated penthouse plan submitted as Exhibit 25C;
  - (b) Installed programmable mechanical blinds on the north side of the proposed addition, which can be programmed to adjust in order to minimize visibility between the Project and the Velocity Building; and
  - (c) Conducted a review of offices in the existing building to ensure that all light switches on the north side of the building operate on a motion sensor, and has replaced any lights that are not motion-triggered.
3. **Transportation Demand Management Measures. For the life of the Project**, the Applicant shall adhere to the following TDM plan measures:
- (a) Transportation Management Coordinators (“TMC”) will be designated for the planning, construction, and operations phases of the development. Contact information for the TMC will be provided to goDCgo. The TMC will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan. The TMC will act as a liaison with DDOT, goDCgo, and Zoning Enforcement. The position may be part of other duties assigned to the individual;
  - (b) The TMC will develop, distribute, and market information regarding transportation options to tenants of the building and will promote transportation events, such as Bike to Work Day, National Walking Day, and Car Free Day;
  - (c) The TMC will notify goDCgo each time a new tenant moves into the building and will provide TDM information to each tenant when they move in;

- (d) **Following the issuance of a certificate of occupancy**, the TMC will conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the TMC;
- (e) The TMC will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law by participating in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- (f) The property management website will include information on and/or links to current transportation programs and services, such as:
- Capital Bikeshare;
  - Car-sharing services;
  - Ride-hailing services (e.g. Lyft or Uber);
  - Transportation Apps (e.g. Metro, Citymapper, Spotcycle, Transit), [goDCgo.com](http://goDCgo.com);
  - Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters;
  - Commuter Connections Guaranteed Ride Home, which provides commuters who regularly (twice a week) carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency; and
  - Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool. Participants can earn money for carpooling to work and must complete surveys and log information about their experience;
- (g) The TMC will provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (“MWCOG”) or other comparable service if MWCOG does not offer this in the future;
- (h) Forty-three long-term secure bicycle spaces will be provided on the P1 level of the garage. Six additional short-term bicycle spaces (in addition to the six existing spaces) will be provided in public space on First Street, S.E;
- (i) A bicycle repair facility will be provided on the P1 level of the garage;
- (j) Shower and changing facilities will be provided in the building for employees who bike, walk, or jog to work. In accordance with ZR16, four showers and 25 lockers will be provided;
- (k) Two electric vehicle charging stations will be provided in the garage;

- (l) A minimum of two parking spaces located in convenient locations in the garage near the elevator lobby will be designated for carpools and/or vanpools;
  - (m) The cost of parking spaces for tenants will be unbundled from leases;
  - (n) A free SmarTrip card and one complimentary Capital Bikeshare coupon good for a free ride to each new employee;
  - (o) Applicant will not lease unused parking spaces to anyone aside from tenants of the building (e.g., will not lease to other nearby office employees, single-family home residents, or sporting events). Hourly and daily public parking is still permitted;
  - (p) **Prior to the issuance of a Certificate of Occupancy** for the Project, the Applicant shall install missing street trees along the property's First Street, S.E. frontage. The Applicant shall be excused from this requirement if it submits a letter from DDOT confirming that utilities conflict with the installation of three- or four-foot tree boxes;
  - (q) **Prior to the issuance of a Certificate of Occupancy** for the Project, the Applicant shall include a CaBi expansion plate for the adjacent Capital Bikeshare station up to an amount of \$8,100;
  - (r) **Following the issuance of a certificate of occupancy** for the Project, the TMC shall submit documentation used to summarize compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case; and
  - (s) **Following the issuance of a certificate of occupancy** for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing compliance with the transportation and TDM conditions in the Order.
4. **Loading Management Plan Measures. For the life of the Project,** the Applicant shall adhere to the following LMP measures:
- (a) A loading dock manager will be designated by the building management who will be on duty during delivery hours. The dock manager will be responsible for coordinating with vendors and tenants to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise;
  - (b) A lease provision will require all tenants to use only the loading area for all deliveries and move-in and moveout activities;

- (c) All tenants will be required to schedule deliveries that utilize the loading area (any loading operation conducted using a truck 20 feet in length or larger);
  - (d) The dock manager will schedule deliveries using the berths such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not compromise safety or impede [drive aisle, street, alley, intersection] functionality;
  - (e) The dock manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along L Street, S.E., except during those times when a truck is actively entering or exiting a loading berth;
  - (f) Service vehicle/truck traffic interfacing with L Street, S.E., will be monitored during peak periods and management measures will be taken, if necessary, to reduce conflicts between truck and vehicular movements;
  - (g) Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map ([godcgo.com/freight](http://godcgo.com/freight)); and
  - (h) The dock manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock as well as notifying all drivers of any access or egress restrictions. The dock manager will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws. The dock manager will also post these materials and other relevant notices in a prominent location within the loading area.
5. This Application approval shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order as specified by Subtitle Z § 702.3.

**VOTE (Feb. 10, 2020):**      **5-0-0**            (Peter A. Shapiro, Robert E. Miller, Anthony J. Hood,  
Peter G. May, and Michael G. Turnbull to  
**APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 19-23 shall become final and effective upon publication in the *D.C. Register*; that is on May 1, 2020.

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



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