

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council enacts Act 23-183, Access to Body-Worn Camera Footage Emergency Regulation Amendment Act of 2019
- D.C. Council passes Act 23-189, Medical Marijuana Plant Count Elimination Temporary Amendment Act of 2019
- D.C. Council schedules a public roundtable on Youth Bullying in the District of Columbia
- D.C. Commission on the Arts and Humanities announces funding availability for the FY 2021 General Operating Support Grants
- Department of Energy and Environment announces funding for the GreenWrench Education Project
- Department of Health Care Finance announces funding availability for Consent Management for Health Information Exchange
- Washington Convention and Sports Authority t/a Events DC seeks proposals for its FY 2020 Cultural Institutions Grant Program

# DISTRICT OF COLUMBIA REGISTER

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MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-180**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To approve, on an emergency basis, Modification 22 of Contract No. CFOPD-11-C-040 with eFunds Corporation to provide electronic benefits transfer services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. CFOPD-11-C-040 Extension Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-352.02), the Council approves Modification 22 of Contract No. CFOPD-11-C-040 with eFunds Corporation to provide electronic benefits transfer services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury and authorizes payment in the not-to-exceed amount of \$1,427,816 for services received and to be received under the contract from July 14, 2019 through May 31, 2020.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-181**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To approve, on an emergency basis, Modification No. M028 and proposed Modification No. M029 to Contract No. DCRL-2016-C-0002 with East River Family Strengthening Collaborative to provide community-based child welfare services during option year 4, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCRL-2016-C-0002 Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M028 and proposed Modification No. M029 to Contract No. DCRL-2016-C-0002 with East River Family Strengthening Collaborative to provide community-based child welfare services and authorizes payment in the not-to-exceed amount of \$3,467,575.93 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

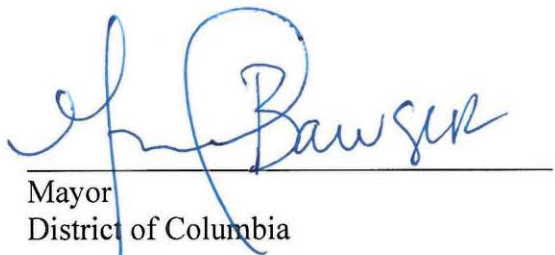
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-182**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend, on an emergency basis, the Anacostia River Toxics Remediation Act of 2014 to extend the deadline, from December 31, 2019, to September 30, 2020, by which the Department of Energy and Environment must adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anacostia River Toxics Remediation Emergency Amendment Act of 2019".

Sec. 2. Section 6092 of the Anacostia River Toxics Remediation Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 8-104.31), is amended by striking the phrase "December 31, 2019" and inserting the phrase "September 30, 2020" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-183**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend, on an emergency basis, section 3902 of Title 24 of the District of Columbia Municipal Regulations to provide access to body-worn camera footage to certain parties connected to a deceased subject depicted in the footage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Body-Worn Camera Footage Emergency Regulation Amendment Act of 2019".

Sec. 2. Section 24-3902.5(a) of the District of Columbia Municipal Regulations is amended to read as follows:

"(a)(1) Pursuant to policy directives adopted under the authority of § 3900.3, the Department shall schedule a time for the following individuals to view a BWC recording at a police station in the police district in which the incident occurred:

- "(A) Any subject of the BWC recording;
- "(B) The subject's legal representative;
- "(C) If the subject is a minor, the subject's parent or legal guardian; or
- "(D) If the subject is deceased, the subject's parent, legal guardian, next of kin, and their respective legal representatives.

"(2) Notwithstanding subparagraph (1) of paragraph (a):

- "(A) None of the individuals listed in subparagraph (1) of paragraph (a) may make a copy of the BWC recording; and
- "(B) The Department shall not schedule a time to view the BWC recording if access to the unredacted BWC recording would violate the individual privacy rights of any other subject."


Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL


Sec. 4. Effective date.

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
December 23, 2019



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-184**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend Title 25 of the District of Columbia Official Code to clarify that unless otherwise authorized wholesalers and manufacturers are not permitted to sell alcoholic beverages to an unlicensed person, that wholesalers are required to store products in the District of Columbia for a minimum of 4 hours at the licensed location, unload the inventory, and keep inventory records, to repeal outdated language regarding druggists, to allow a manager's license to remain in effect for 3 years, to prohibit managers from allowing another person to use his or her license or to borrow another person's license, to exempt holders of an off-premises retailer's license, class AI or BI, from the requirement that such a license holder possess a manager's license, to clarify which persons involved with a licensed establishment must report their criminal background, to remove the requirement that a licensee's license to manufacture, sell, or permit the consumption of alcoholic beverages must be posted under glass, to require that if a licensee has a settlement agreement or security plan it must be noted on the license, to repeal the prohibition against back-up drinks, to allow persons who are at least 18 years old to deliver alcoholic beverages, to require the Office of Tax and Revenue to notify the Board when a licensee is the subject of a citation, revocation, or other enforcement action, to authorize the Board to revoke a licensee's license if the Board has cause to believe that the licensee has been evicted from or has otherwise vacated the licensed premises, to make it unlawful for a licensee to knowingly tamper with evidence, and to clarify that it is unlawful for a person to forge a license or document issued by the Alcoholic Beverage Regulation Administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Enforcement Amendment Act of 2019".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 25-101 is amended as follows:

(A) A new paragraph (11A) is added to read as follows:

“(11A) “Board-approved manager” and “manager” mean a person, other than the owner, who is licensed by ABRA who is required to be on duty and on the premises during the

## ENROLLED ORIGINAL

approved licensed hours of sales, service, and consumption of alcoholic beverages.”.

(B) A new paragraph (46A) to read as follows:

“(46A) “Service” unless the context indicates a different meaning, means to directly or indirectly provide, give, furnish, distribute, or provide for the consumption of alcoholic beverages.”.

(C) Paragraph (48B) is redesignated as paragraph (48C).

(D) A new paragraph (48B) is added to read as follows:

“(48B) “Solicitor” means a person licensed by ABRA who is a representative of the wholesaler or manufacturer whose name appears on the solicitor’s license and who is permitted to sell alcoholic beverages on behalf of the wholesaler or manufacturer.”.

(2) Section 25-102(b) is amended by striking the phrase “No wholesaler or manufacturer” and inserting the phrase “Except as permitted by this title, no wholesaler or manufacturer” in its place.

(3) Section 25-111 is amended as follows:

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

“(a-1) A holder of a wholesaler’s license, class A or B, shall not ship or deliver alcoholic beverages in accordance with subsection (a) of this section unless the alcoholic beverages are:

“(1) Delivered to and unloaded upon the wholesaler’s licensed premises;

“(2) Kept inside of the wholesaler’s licensed premises for a minimum of 4 hours;

and

“(3) Recorded in the wholesaler’s inventory.”.

(B) Subsection (b) is repealed.

(4) Section 25-120 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “valid for 2 years” and inserting the phrase “valid for 3 years” in its place.

(B) Subsection (d) is amended by striking the phrase “shall be recertified every 2 years” and inserting the phrase “shall be recertified every 3 years” in its place.

(C) Subsection (i)(A) is amended as follows:

(i) The lead-in text is amended to read as follows:

“The Board may fine, suspend, revoke, or not renew the manager’s license of a manager who within the prior 3 years has:”.

(ii) Sub-subparagraph (v) to read as follows:

“(v) Allowed the manager’s license to be used by another person or borrowed another person’s license.”.

(b) Chapter 7 is amended as follows:

(1) The table of contents for subchapter I is amended by striking the phrase “§ 25-702. Employees – notice of employee’s criminal convictions” and inserting the phrase, “§ 25-702. Notice of criminal conviction” in its place.

(2) Section 25-701(c) is amended by striking the phrase, “wholesaler’s license” and inserting the phrase “wholesaler’s license or off-premises retailer’s license, class AI or BI,” in its place.

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(3) Section 25-702 is amended to read as follows:

“§ 25-702. Notice of criminal conviction.

“A licensee shall immediately notify the Board in writing if the licensee discovers that a Board-approved manager, owner, or solicitor has been convicted for an offense other than a minor traffic offense; except, that there shall be no notification required for any such conviction that is more than 5 years old.”

(4) Section 25-711 is amended as follows:

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

“(a)(1) The holder of a license to manufacture, sell, or permit the consumption of alcoholic beverages shall post the license in the licensed establishment.

“(2) If a settlement agreement or security plan is a part of the license, the license shall be marked “settlement agreement” or “security plan” or both.

“(3)(A) Upon request, a licensee shall make a copy of the settlement agreement and the security plan immediately accessible to an ABRA official or an officer with the Metropolitan Police Department.

“(B) Upon request, a licensee shall make a copy of the settlement agreement immediately accessible to a member of the public. A licensee shall not be required to disclose its security plan to anyone other than an ABRA official or an officer of the Metropolitan Police Department.”

(B) Subsection (b) is amended by striking the phrase “license or a club” and inserting the phrase “license, manufacturer’s license, or a club” in its place.

(5) Section 25-741(b) is repealed.

(6) Section 25-784(b) is amended by striking the phrase “on the licensed premises”.

(c) Chapter 8 is amended as follows:

(1) Section 25-804(a) is amended as follows:

(A) Strike the phrase “the Department of Consumer and Regulatory Affairs and the Fire Department” and insert the phrase “the Department of Consumer and Regulatory Affairs, the Office of Tax and Revenue, and the Fire and Emergency Medical Services” in its place.

(B) Strike the phrase “subject of a citation or other enforcement action” and insert the phrase “subject of a citation, revocation, or other enforcement action” in its place.

(2) The table of contents for subchapter II is amended by adding a new section designation to read as follows:

“§ 25-825a. Cancellation when licensee has been evicted from the licensed premises.”

(3) Section 25-823(a) is amended as follows:

(A) Paragraph (8) is amended by striking the word “or”.

(B) Paragraph (9) is amended by striking the period and inserting the phrase, “; or” in its place.

(C) A new paragraph (10) is added to read as follows:

“(10)(A) The licensee knowingly tampers with evidence.

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“(B) For purposes of this paragraph, the term “tampers with evidence” means any action that destroys, alters, conceals, or falsifies any sort of evidence.”.

(4) A new section 25-825a is added to read as follows:

“§ 25-825a. Cancellation when licensee has been evicted from the licensed premises.

“(a) If the Board, after an investigation, but before a hearing, has cause to believe that a licensee has been evicted from the premises or has otherwise vacated the premises and an application for safekeeping or transfer to a new location or person has not been submitted, the Board shall issue an order cancelling the license after providing the licensee with written notice and 30 days to submit a written request to the Board to hold a hearing.

“(b) The order shall be served on the licensee in person, by certified mail, or by e-mail at an e-mail address in ABRA’s records.”.

(5) Section 25-835 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “being a genuine license” and inserting the phrase “being a genuine document or license” in its place.

(B) Subsection (b) is amended by striking the phrase “being a genuine license” and inserting the phrase “being a genuine document or license” in its place.

Sec. 3. Fiscal impact statement.

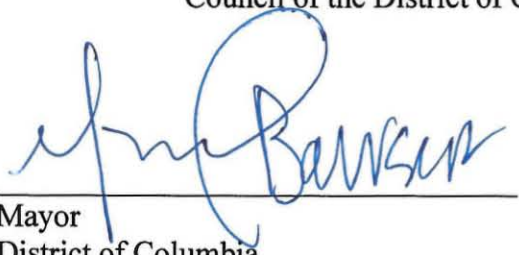
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-185**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend Title 25 of the District of Columbia Official Code to allow multipurpose facility licenses to be issued to indoor parks, buildings, or facilities that primarily serve as recreational playgrounds or workspaces, to require caterers to possess or have reasonable access to a certified kitchen, to clarify that off-premises retailer's licenses, classes A and AI, are to be treated similarly for purposes of where caterers can purchase the alcoholic beverages for their events, to allow internet license holders to obtain tasting permits, private collectors to exceed the 6 ounce wine tasting limit provided that no more than 2 ounces of wine are served to a person at one time, to provide that a pub crawl license shall be valid for 3 years and eligible for renewal, to prohibit a holder of an off-premises retailer's license, classes AI and BI, from holding another license, to clarify that the holder of an off-premises retailer's license, class B, that qualifies as a full-service grocery store shall be permitted to hold an on-premises retailer's license, class CR or DR, to allow a licensee to hold more than one off-premises retailer's license, class B, that is located in a hotel, to update the requirements for full-service grocery stores, to create an exception to the 400-foot restriction for the holder of an off-premises retailer's license, class A or B, that is seeking to change its license class, to create an exception to the 400-foot restriction for certain corner stores, to remove the requirement that an applicant for an off-premises retailer's license, class B, that qualifies as a full-service grocery store must either have a certificate of occupancy that was issued after January 1, 2000, or have spent at least \$500,000 on renovations, to create an exception to the 400-foot requirement for off-premises retailers, classes A or B, if a license of the same class had operated at the proposed location within the previous 12 months or the licensee is an off-premises retailer's license, class AI or BI, to allow an applicant for an off-premises retailer's license, class B, that has received approval from the Board of Zoning and will have alcohol sales of 15% or less to establish a location in a residential zone, to establish a fee for a pub crawl license, to clarify the hours in which a wholesaler may deliver alcoholic beverages to customers, to allow a wholesaler to rent a retailer's premises when hosting an event, to allow a holder of an off-premises retailer license, class B, and an on-premises retailer's license, class C and D, to store alcoholic beverages at off-site storage facilities, to allow licensees to engage in other activities at the storage location besides storing alcoholic beverages with the approval of the Board, to allow the Board to update the reimbursable detail percentage as needed, and to increase the hourly rate paid to Board members.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) The table of content for Subchapter II is amended by adding a new section designation to read as follows:

"§ 25-129. Pub crawl license."

(2) Section 25-101 is amended as follows:

(A) Paragraph (30) is amended to read as follows:

"(30) "Legitimate theater" means the premises in which the principal business shall be the operation of live theatrical, operatic, or dance performances, the operation of recreational facilities, the viewing of motion picture films, or such other lawful adult entertainment as the Board, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by this title, shall classify as a legitimate theater."

(B) A new paragraph (49A) is added to read as follows:

"(49A) "Sports wagering" shall have the same meaning as in section 4(c)(17) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 36-601.01(c)(17))."

(3) Section 25-113 is amended as follows:

(A) Subsection (g)(1) is amended to read as follows:

"(g)(1) A multipurpose facility license shall be issued to legitimate theaters, universities, museums, conference centers, art galleries, facilities for the performance of sports, cultural, or tourism-related activities, and to indoor parks, buildings, and facilities that primarily serve as recreational playgrounds or workspaces."

(B) Subsection (i) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) A caterer licensed under this subsection shall possess or have reasonable and on-going access to a kitchen licensed by the District of Columbia Department of Health or other applicable state agency in which to prepare the food for a catered event."

(2) Paragraph (5) is amended by striking the phrase "off-premises retailers license, class A," both times it appears and inserting the phrase "off-premises retailer's license, class A or AI" in its place.

(4) Section 25-113a is amended by adding a new subsection (d) to read as follows:

"(d) The license under an on-premises retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, D/X, C/X and class Arena C/X or a manufacturer's license class A or B holding an on-sites sales and consumption permit, shall obtain a sports wagering endorsement from the

## ENROLLED ORIGINAL

Board to be eligible to offer sports wagering.”.

(5) Section 25-118 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “A licensee” and inserting the phrase “Except as provided in subsection (g)(2) of this section, a licensee” in its place.

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

“(f-1)(1) The holder of an off-premises retailer’s license, class AI, may utilize a portion of the licensed premises for the sampling of beer, wine, and spirits during its approved hours of operation; provided, that the tastings are:

“(A) Not open to the public; and

“(B) Limited to temporary and festival license holders and caterers.

“(2) The holder of an off-premises retailer’s license, class BI, may utilize a portion of the licensed premises for the sampling of beer and wine during its approved hours; provided, that the tastings are:

“(A) Not open to the public; and

“(B) Limited to temporary and festival license holders.

“(3) The Board may approve the holder of an off-premises retailer’s license, class AI or BI, that has obtained a tasting permit for its licensed premises to conduct tastings closed to the public at a designated common area of a storage facility where the licensee is a tenant.”.

(C) Subsection (g) is amended to read as follows:

“(g)(1) The Board may issue a tasting permit to a private collector to conduct tastings closed to the public at a designated common area of a storage facility where the private collector is a tenant.

“(2) A private collector who holds a tasting permit may exceed the 6 ounce sampling limit for wine set forth in subsection (c)(2) of this section; provided, that the private collector does not serve customers more than 2 ounce servings of wine at a time.”.

(D) Subsection (h) is amended to read as follows:

“(h) For the purposes of this section, the term:

“(1) “Storage facility” means a bonded warehouse in the District of Columbia licensed by the Board for the storage of alcoholic beverages.

“(2) “Tasting” means a gathering at which an authorized licensee provides samples of spirits, wine, and beer to people to compare and evaluate.”.

(6) A new section 25-129 is added to read as follows:

“§ 25-129. Pub crawl license.

“(a) A pub crawl license shall authorize the licensee to host events featuring groups of licensed establishments within walking distance to one another featuring the sale or service of alcoholic beverages during a specified timeframe.

“(b) The pub crawl license shall be valid for 3 years unless the license is suspended or revoked prior to its expiration.”.

(b) Chapter 3 is amended as follows:

(l) Section 25-303 is amended as follows:

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

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“(4) No licensee under an off-premises retailer’s license, class AI or BI, shall hold an interest in any other license.”.

(B) Subsection (c)(4) is repealed.

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

“(c-1) Notwithstanding subsection (a) of this section, the holder of an off-premises retailer’s license, class B, that qualifies as a full-service grocery store pursuant to subsection (c) of this section shall be authorized to apply for an on-premises retailer’s license, class CR or DR.”.

(D) Subsection (f)(2) is amended to read as follows:

“(2) Other license held by the applicant is an on-premises retailer’s license, class CH, DH, CR, DR, CT, or DT, that is also located within the same hotel as the establishment’s proposed location, or an off-premises retailer’s license, class B, that is located within another hotel and has no direct public access to the street or the outside of the hotel’s building.”.

(2) Section 25-314(b) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “paragraphs (2) through (9)” and inserting the phrase “paragraphs (2) through (11)” in its place.

(B) Paragraph (4) is amended to read as follows:

“(4) The 400-foot restriction shall not apply if:

“(A) The applicant applies for an off-premises retailer’s license, class B, that meets the definition of a full-service grocery store, as defined in § 25-101(22A);

“(B) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(C) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia, or if located within the Southeast Federal Center, in the SEFC-1 zone;

“(D) The opinion of the ANC, if any, in which the establishment is located has been given great weight; and

“(E) The applicant does not hold a manufacturer’s or wholesaler’s license.”.

(C) New paragraphs (10) and (11) are added to read as follows:

“(10) The 400-foot restriction shall not apply to an applicant for a class change of an off-premises retailer’s license, class A or B; provided, that:

“(A) The licensed establishment is not located in a residential-use district as defined by the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia; and

“(B) Another off-premises retailer’s license of the same class is not located within 400 feet of the applicant.

“(11) The 400-foot restriction shall not apply if:

“(A) The applicant applies for an off-premises retailer’s license, Class B;

“(B) The applicant qualifies as a corner store and has been approved by the Board of Zoning Adjustment for a special exception under Chapter 11-U2 of Title 11 of the DCMR (11-U DCMR § 254);



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“(C) The applicant’s establishment is located in ANC 1B;

“(D) The sales area of the applicant’s establishment that is devoted to the sale of alcohol for off-site consumption constitutes no more than 15% of the gross floor area of the ground floor of the corner store;

“(E) The applicant’s sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(F) The applicant’s establishment is located in a Great Streets Corridor;  
and

“(G) The opinion of the ANC, if any, has been given great weight.””

(3) Section 25-331(d) is amended to read as follows:

“(d) The quotas set forth in subsection (b) of this section shall not prohibit the issuance of a license for an off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if:

“(1) The applicant applies for an off-premises retailer’s license, class B, that meets the definition of a full-service grocery store, as defined in § 25-101(22A));

“(2) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia, or if located within the Southeast Federal Center, in the SEFC-1 zone; and

“(4) The opinion of the ANC, if any, in which the establishment is located has been given great weight.”

(4) Section 25-332 is amended as follows:

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

“(c) This moratorium shall not apply to an applicant for an off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if:

“(1) The off-premises retailer’s license, class B, meets the definition of a full-service grocery store, as defined § 25-101(22A);

“(2) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District or, if located in the Southeast Federal Center, in SEFC-1; and

“(4) The opinion of the ANC, if any, has been given great weight.”

(B) Subsection (e)(2) is amended to read as follows:

“(e)(2) Establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District or, if located within Southeast Federal Center, in the SEFC-1;”

(5) Section 25-333 is amended as follows:

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

“(a) No new off-premises retailers license, class A, shall be issued for an establishment which is located within 400 feet from another establishment operating under an off-premises

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retailer’s license, class A; except, that this requirement shall not apply to:

“(1) A new off-premises retailer’s license, class A, if another off-premises retailer’s license, class A, operated at the proposed location within the past 12 months; or

“(2) An off-premises retailer’s license, class AI, that is located within 400 feet of an off-premises retailer’s license, class A.” in its place.

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

“(b) No new off-premises retailers license, class B, shall be issued for an establishment which is located within 400 feet from another establishment operating under an off-premises retailer’s license, class B; except, that this requirement shall not apply to:

“(1) A new off-premises retailer’s license, class B, if another off-premises retailer’s license, class B, operated at the proposed location within the past 12 months; or

“(2) An off-premises retailer’s license, class BI, that is located within 400 feet of an off-premises retailer’s license, class B.”.

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

“(c) This section shall not prohibit the issuance of a license for an off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if:

“(1) The off-premises retailer’s license, class B, meets the definition of a full-service grocery store, as defined in § 25-101(22A);

“(2) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

“(3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia or, if located in the Southeast Federal Center, in SEFC-1; and

“(4) The opinion of the ANC, if any, has been given great weight.”.

(6) Section 25-336 is amended by adding a new subsection (g) to read as follows:

“(g) Notwithstanding the restriction set forth in subsection (a) of this section, an applicant may apply for and be issued an off-premises retailer’s license, class B, for premises located in a residential zone if:

“(1) The applicant has received approval from the Board of Zoning; and

“(2) Alcohol sales are no more than 15% total volume of gross receipts on an annual basis.”.

(c) Chapter 5 is amended as follows:

(1) The table of contents is amended to add a new section designation to read as follows:

“§ 25-512. Minimum fee for pub crawl license.”.

(2) A new section 25-512 is added to read as follows:

“§ 25-512. Minimum fee for pub crawl license.

“The minimum annual fee for a pub crawl license shall be \$500.”.

(d) Chapter 7 is amended as follows:

(1) Section 25-721 is amended as follows:

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

“(a-1) Notwithstanding subsection (a) of this section, a licensed wholesaler may sell and

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deliver alcoholic beverages to customers only between the hours of 7:00 a.m. and 12:00 a.m., Monday through Sunday.”

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

“(b) In addition to the provisions in subsection (a) of this section, a licensed wholesaler, class A or B, may deliver alcoholic beverages between the hours of 9:00 a.m. and 9:00 p.m. on Sunday.”

(2) Section 25-736 is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) Notwithstanding subsection (a)(3) of this section, with the Board’s prior approval, a licensed wholesaler may rent a retailer’s licensed premises to host a one-day or a one-time event.

“(2) The Board shall not grant a wholesaler’s request pursuant to paragraph (1) of this subsection more than one time in a calendar year.”

(3) Section 25-754 is amended as follows:

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

(i) Strike the phrase “establishment under” and insert the phrase “establishment in the District under” in its place.

(ii) Paragraph (3) is amended to read as follows:

“(3) Off-premises retailer’s license, class A or B;”

(iii) Paragraph (4) is amended by striking the phrase “Common carrier license” and inserting the phrase “On-premises retailer’s license” in its place.

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

“(c) The Board may permit a licensee to conduct other activities at an approved storage location; except, that that the licensee shall not be permitted to sell, service, or allow the consumption of alcoholic beverages at the storage location.”

(4) Section 25-798 is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) The Board shall have the authority to change the percentage by which ABRA will reimburse MPD for its reimbursable detail services as needed.

“(2) The Board shall publish changes to the reimbursable detail percentage in the District of Columbia Register.

“(3) The reimbursable detail percentage change shall take effect no fewer than 30 days after publication in the District of Columbia Register.”

Sec. 3. Section 1108(c-1)(8) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(8)), is amended by striking the figure “\$40” and inserting the figure “\$50” in its place.

Sec. 4. Section 718.2 and 718.3 of Title 23 of the District of Columbia Municipal Regulations are amended to read as follows:

“718.2 ABRA will reimburse MPD for a percentage, as published in the *D.C. Register*, of

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the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 11:30 p.m. to 5:00 a.m. ABRA will also reimburse MPD a percentage, as published in the *D.C. Register*, of the total costs of invoices submitted by MPD to cover the costs incurred for outdoor special events where the licensee has been approved for a one-day substantial change license or temporary license. The hours eligible for an outdoor special event operating under a one-day substantial change license, a temporary license, or a pub crawl event operating under a pub crawl license shall be twenty-four (24) hours a day.

“718.3 MPD shall submit to ABRA on a monthly basis, invoices documenting the percentage owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program’s funds are depleted.”.

Sec. 5. Fiscal impact statement.

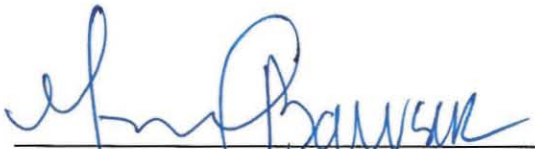
The Council adopts the fiscal impact in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-186**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend Title 25 of the District of Columbia Official Code to allow for passive approval of regulations after the expiration of the 90-day Council review period, to update the zoning district references, to clarify the requirements for successive applications that are submitted within 5 years of the applicant withdrawing the application, to repeal the prohibition on the application of the Ward 4 restrictions on applications pending before the Board as of September 30, 2004, to require an applicant and licensee to provide the Board with the owner's name, address, telephone number, and e-mail address, to provide the Board with the authority to dismiss an application or a protest due to either party's failure to attend the settlement conference, to clarify that parties can enter into a settlement agreement without having to file a protest, to allow parties to include settlement agreement terms that address the safety and security procedures a licensee must have in place, to prohibit a current license holder from protesting an application for a new or renewal license, substantial change, or transfer to a new location unless the license holder resides in the neighborhood, to require the placement of a license into safekeeping if the licensee's establishment will be closed for 21 or more calendar days, to define what constitutes reasonable progress for purposes of maintaining licenses in safekeeping, and to clarify that holders of licenses that are in safekeeping are required to pay their renewal fees prior to the license expiring.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Procedural and Technical Amendment Act of 2019".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-201(c)(8) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(b) Chapter 3 is amended as follows:

(1) Section 25-338 is amended to read as follows:

§ 25-338. Limitation on successive applications after denial.

"(a) The Board shall not consider an application for the same class of license, permit, endorsement, or substantial change by the same applicant if the Board has denied a previously filed application within 5 years.

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“(b) Notwithstanding subsection (a) of this section, if an application is withdrawn for good cause, as determined by the Board, and prior to the protest status hearing, or if a previously filed application for the same license class, permit, endorsement, or substantial change was denied by the Board on purely technical or procedural grounds, an application by such applicant may be considered.”

(2) Section 25-340.01(c) is repealed.

(c) Chapter 4 is amended as follows:

(1) Section 25-402 is amended as follows:

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

(i) Paragraph (1) is amended by striking the phrase “name and address of the individual” and inserting the phrase “name, address, telephone number, and e-mail address of the individual” in its place.

(ii) Paragraph (2) is amended by striking the phrase “name and address of the owner” and inserting the phrase “name, address, telephone number, and e-mail address of the owner” in its place.

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

“(2A) The name and e-mail address of the owner of the establishment, or the owner’s designee, for purposes of receiving communications from ABRA, including correspondence, hearing notices and other types of service of process, and Board orders;”

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

“(a-1)(1) The licensee or applicant shall notify ABRA within 30 days of any change to the information required by subsection (a)(1), (2), or (2A) of this section.

“(2) If the licensee has been previously issued a written warning about timely compliance with paragraph (1) of this subsection, the failure to comply with paragraph (1) of this subsection may result in the Board issuing a fine against the licensee, or suspending or revoking the license in accordance with Chapter 8 of this title.”

(2) Section 25-432(b) is amended by striking the phrase “settlement conference” wherever it appears and inserting the phrase “mediation” in its place.

(3) Section 25-445(e) is repealed.

(4) Section 25-446 is amended by adding a new subsection (a-1) to read as follows:

“(a-1) The applicant and any person or entity who would otherwise have standing to protest an application pursuant to § 25-601 may, at any time, negotiate a settlement and enter into a written agreement setting forth the terms of the settlement.”

(d) Section 25-601 is amended as follows:

(1) The existing text is designated as subsection (a).

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

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

“(B) For the purposes of this paragraph, the term “abutting property” means any property where the property line has a boundary or boundary point in common with

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the property line of the licensed establishment.”.

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

“(b)(1) Except as provided in paragraph (2) of this subsection, an individual or entity that holds a valid wholesaler’s license, manufacturer’s license, or retailer’s license shall not be permitted to protest the issuance or renewal of a license, the approval of a substantial change in the nature of operation, as determined by the Board under § 25-404, or the transfer of a license to a new location.

“(2) An individual who resides in the neighborhood where the establishment is to be licensed and who holds a wholesaler’s license, manufacturer’s license, or retailer’s license may protest the issuance or renewal of a license, the approval of a substantial change in the nature of operation, as determined by the Board under § 25-404, or the transfer of a license to a new location if the individual otherwise has standing pursuant to subsection (a)(1) or (2) of this section.”.

(e) Chapter 7 is amended as follows:

(1) Section 25-725(b)(3) is amended by striking the phrase, “ which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in zoning regulations for the District;” and inserting the phrase, “that are located within a commercial or manufacturing zone, as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District;” in its place.

(2) Section 25-791 is amended as follows:

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

“(a)(1) If a licensee closes the licensed premises or ceases to operate at the licensed premises for 21 or more calendar days, the licensee shall immediately notify the Board in writing of the closure or cessation of operation and surrender the license for safekeeping. The licensee’s written notice shall include the estimated length of closure or cessation of operation and the licensee’s future intentions as to the use of the license.

“(2) The Board shall hold the license until the licensee resumes operation at the licensed premises or the license is transferred to a new location or owner.

“(3) If the licensee has not initiated proceedings to resume operations or to transfer the license within 60 days after surrendering the license for safekeeping, the Board, after giving notice to the licensee, may deem the license abandoned. The licensee shall have 14 calendar days to respond to the Board’s notice to request continued safekeeping.”.

(B) Subsection (c) is amended as follows:

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

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

“(2) For purposes of this subsection, the term “reasonable progress” means taking deliberate steps to resume business operations, including acquiring the necessary permits or approvals from the Department of Consumer and Regulatory Affairs, the Office of Zoning, the Historic Preservation Board, or any other District agency, executing contractual agreements or lease agreements, retaining contractors, or transferring the license to a new owner or new location.”.

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(C) Subsection (d) amended by striking the phrase "for renewing the license upon its expiration" and inserting the phrase "of renewing the license" in its place.

(f) Chapter 8 is amended as follows:

(1) Section 25-801 is amended by striking the phrase "Corporation Counsel" both times it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Section 25-805(b) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(3) Section 25-831(c) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(g) Chapter 9 is amended as follows:

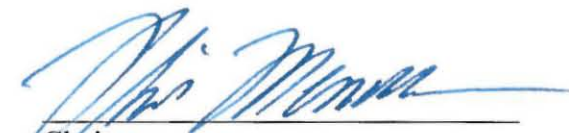
(2) Section 25-911(c) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
December 23, 2019



ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-187**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain properties owned or leased by Shaed School, LLC; 5601 East Capitol, LLC; St. Paul on Fourth Street, Inc.; and Maime D. Lee, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Charter School Property Tax Clarification Amendment Act of 2019”.

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding new section designations to read as follows:

- “47-1099.05. Shaed School, LLC, Lot 816, Square 3552.”.
- “47-1099.06. 5601 East Capitol, LLC, Lot 153, Square 5283.”.
- “47-1099.07. St. Paul on Fourth Street, Inc., Lots 1068 and 1069, Square 3648.”.
- “47-1099.08. Maime D. Lee, LLC; Lots 136 and 160, Parcel 124.”.

(b) New sections 47-1099.05, 47-1099.06, 47-1099.07, and 47-1099.08 are added to read as follows:

“§ 47-1099.05. Shaed School, LLC; Lot 816, Square 3552.

(a) The real property located at 200 Douglas Street, N.E., and described as Lot 816, Square 3552, (“real property”) shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned or leased by Shaed School, LLC, and is used, or, if vacant, held for use, by one or more District of Columbia public charter schools.

(b) Any transfer, assignment, or other disposition of all or any portion of the real property, including a lease of the real property to Shaed School, LLC, or an assignment or sublease of the leasehold interest in the real property by Shaed School, LLC, to either a District of Columbia public charter school or Charter School Incubator Initiative, or a deed of trust or other security instrument with respect to the real property granted by Shaed School, LLC, to a lender, shall be exempt from the tax imposed by § 42-1103 and § 47-903.

(c) This section shall apply as of May 21, 2014.

§ 47-1099.06. 5601 East Capitol, LLC; Lot 153, Square 5283.

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(a) The real property located at 5601 East Capitol Street, S.E., and described as Lot 153 in Square 5283, (“real property”) shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned or leased by 5601 East Capitol, LLC, and is used, or, if vacant, held for use, by one or more District of Columbia public charter schools, the University of the District of Columbia, or the Capital Area Food Bank.

(b) Any transfer, assignment, or other disposition of all or any portion of the real property, including a lease of the real property to 5601 East Capitol, LLC, or an assignment or sublease of the leasehold interest in the real property by 5601 East Capitol, LLC, to a District of Columbia public charter school or Charter School Incubator Initiative, or a deed of trust or other security instrument with respect to the real property granted by 5601 East Capitol, LLC, to a lender, shall be exempt from the tax imposed by § 42-1103 and § 47-903.

(c) This section shall apply as of June 19, 2015.

§ 47-1099.07. St. Paul on Fourth Street, Inc.; Lots 1068 and 1069, Square 3648.

(a) The real property located at 3015 4<sup>th</sup> Street, N.E., and described as Lots 1068 and 1069 in Square 3648, (“real property”) shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned by St. Paul on Fourth Street, Inc. and is used, or, if vacant, held for use, by one or more District of Columbia public charter schools or by one or more educational or faith-based nonprofit entities.

(b) Any transfer, assignment, or other disposition of all or any portion of the real property, including a transfer of the real property by or to St. Paul on 4<sup>th</sup> Street, Inc., or a deed of trust or other security instrument with respect to the real property granted by St. Paul on Fourth Street, Inc. to a lender, shall be exempt from the tax imposed by § 42-1103 and § 47-903.”.

(c) This section shall apply as of June 21, 2016.

§ 47-1099.08. Maime D. Lee, LLC; Lots 136 and 160, Parcel 124.

(a) The real property located at 5101 Fort Totten Drive, N.E., (also known as 100 Gallatin Street, N.E.), and described as Lots 136 and 160, Parcel 124, (“real property”) shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned or leased by Maime D. Lee, LLC, and is used, or, if vacant, held for use, by one or more District of Columbia public charter schools or Mary’s Center for Maternal and Child Care, Inc.

(b) Any transfer, assignment, or other disposition of all or any portion of the real property, including a lease of the real property to Maime D. Lee, LLC, or an assignment or sublease of the leasehold interest in the real property by Maime D. Lee, LLC, to a District of Columbia public charter school or a sublease by a District of Columbia public charter school to Mary’s Center for Maternal and Child Care, Inc., or a deed of trust or other security instrument with respect to the real property granted by Maime D. Lee, LLC, to a lender, shall be exempt from the tax imposed by § 42-1103 and § 47-903.

(c) This section shall apply as of November 25, 2015.”.

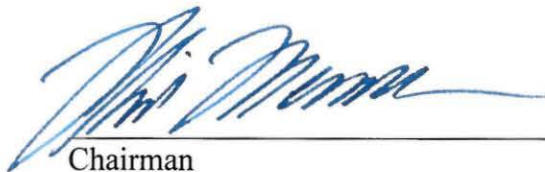
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Sec. 3. Fiscal impact statement.

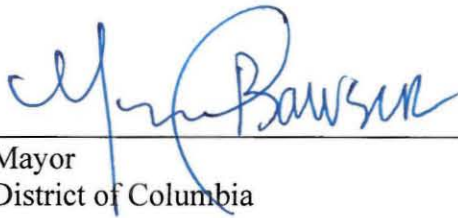
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-188**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend Title 25 of the District of Columbia Official Code to increase the alcohol by volume ratio for wine from 15% to 21%, to allow wine manufacturers, wine pub permit holders, wholesalers, and retailers to manufacture, distribute, and sell wine or other alcoholic beverages, excluding beer, with no more than 21% alcohol by volume, holders of wine pub permits and distillery pub permits to deliver alcoholic beverages manufactured at the licensed premises directly to consumers for off-premises consumption, breweries to sell and deliver beer brewed in collaboration with another brewery to consumers for off-premises consumption in crowlers, holders of manufacturer's licenses, class C, owning more than one location to transport products between the locations, persons to manufacture wine and beer at their residence, holders of a manufacturer's license, class A, to sell and deliver wine manufactured in collaboration with another winery to consumers for off-premises consumption in growlers and crowlers, to amend pub permits to pub endorsements, to establish wine pub endorsement, brew pub endorsement, and distillery pub endorsement fees, to allow a licensee to possess more than one pub endorsement, holders of a wine pub endorsement, distillery pub endorsement, or brew pub endorsement to manufacture alcoholic beverages at a location other than the licensed location, to repeal the brew pub permit fee, and to require manufacturers to comply with the window lettering posting requirement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Manufacturer and Pub Permit Parity Amendment Act of 2019".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) The table of contents for Subchapter II is amended as follows:

(A) A new section designation is added to read as follows:

"§ 25-116a. Pub endorsement."

(B) The section designation for § 25-117 is amended to read as follows:

"§ 25-117. Brew pub endorsement requirements and qualifications."

(C) The section designation for § 25-124 is amended to read as follows:

"§ 25-124. Wine pub endorsement."

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(D) The section designation for § 25-125 is amended to read as follows:  
“§ 25-125. Distillery pub endorsement.”.

(2) Section 25-101(56) is amended by striking the figure “15%” and inserting the figure “21%” in its place.

(3) Section 25-110 is amended as follows:

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

(i) Paragraph (2)(C)(i) is amended by striking the phrase “growlers” both times it appears and inserting the phrase “growlers and crowlers” in its place.

(ii) Paragraph (3) is amended by adding a new subparagraph (H) to read as follows:

“(H) A holder of a manufacturer’s license, class C, that owns 2 or more locations shall be permitted to transport products from one location to the other location that the licensee owns.”.

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

“(4) A manufacturer’s license shall not be required for persons who manufacture beer or wine at their residence; provided, that the wine or beer is for personal consumption only and not for resale.”.

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

“(a-1)(1) Subject to paragraph (2) of this subsection, a holder of a manufacturer’s license, class A, that collaborates with another winery, regardless of jurisdiction, to use the wine manufactured at the licensed premises or the licensee’s wine recipe to produce a new wine at another location may sell and deliver the new wine to a consumer in growlers and crowlers for off-premises consumption; provided, that the growlers and crowlers shall not be opened after sale or the contents consumed on the premises sold.

“(2) The container containing the wine produced by the holder of the manufacturer’s license, class A, in collaboration with another winery, shall contain the names of both wineries.”.

(4) A new section 25-116a is added to read as follows:

“§ 25-116a. Pub endorsement.

“(a) An on-premises retailer’s license, class C or D, may apply for one or more pub endorsements in accordance with § 25-117, 25-124, or 25-125.

“(b) The minimum annual fees for a pub endorsement shall apply as follows:

1 pub endorsement	\$5,000
2 pub endorsements	\$7,500
3 pub endorsements	\$9,000

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(5) Section 25-117 is amended as follows:

(A) The heading is amended to read as follows:

“§ 25-117. Brew pub endorsement requirements and qualifications.”.

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

“(a)(1) A brew pub endorsement shall authorize the licensee to brew malt beverages at one location for consumption at a licensed restaurant, tavern, multipurpose facility, hotel, or nightclub and for sale to licensed wholesalers for the purpose of resale to other licensees.

“(2) Except as provided in paragraph (3) of this subsection, the location used to brew malt beverages shall be on or immediately adjacent to the facility used by the on-premises retailer’s license class C or D licensee that is licensed to the brew pub owner in accordance with subsection (b) of this section.

“(3) A licensee holding a brew pub endorsement may brew malt beverages at a location that is not on or immediately adjacent to the facility used by the on-premises retailer’s license class C or D licensee; provided, that:

“(A) The licensee obtains an off-site production permit, as defined by regulation;

“(B) The location of the off-site production permit is within 600 feet of the licensed establishment; and

“(C) No on-premises or off-premises sales occur at the off-site production location.

“(4) The minimum annual fee for an off-site production permit shall be \$500 per year.”.

(C) Subsection (a-1) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(D) Subsection (a-2) is amended as follows:

(i) Strike the word “permit” wherever it appears and insert the word “endorsement” in its place.

(ii) Paragraph (2)(B) is amended by striking the word “business” and inserting the word “operating” in its place.

(E) A new subsection (a-3) is added to read as follows:

“(a-3) All holders of brew pub endorsements may also sell beer brewed at the pub location licensed by the Board to patrons in crowlers, barrels, cans, kegs, sealed bottles, or other closed containers for off-premises consumption.”.

(F) Subsection (b) is amended as follows:

(i) Strike the word “permit” and insert the word “endorsement” in its place.

(ii) Strike the phrase “an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub retailer’s license, class C or D” and insert the phrase “on-premises retailer’s license, class C or D” in its place.

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

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“(c) A brew pub endorsement shall be cancelled or revoked if the on-premises retailer’s license, class C or D, ceases to operate or the license is revoked or cancelled.”.

(H) Subsection (d) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(I) Subsections (e) and (f) are amended by striking the word “permit” wherever it appears and inserting the word “endorsement” in its place.

(6) Section 25-124 is amended as follows:

(A) The heading is amended to read as follows:

“§ 25-124. Wine pub endorsement.”.

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

“(a) A wine pub endorsement shall authorize the licensee to manufacture wine containing no more than 21% alcohol by volume at one location from grapes, fruit, or fruit juices transported to the facility used by the on-premises retailer’s license class C or D licensee for on-premises consumption and for sale to the licensed wholesalers for the purpose of resale to other licensees.”.

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

“(a-1) A wine pub endorsement issued in accordance with subsection (a) shall authorize the licensee to manufacture wine containing no more than 21% alcohol by volume.”.

(D) Subsection (b) is amended as follows:

(i) Strike the word “permit” and insert the word “endorsement” in its place.

(ii) Strike the phrase “an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub license, class C or D” and insert the phrase “an on-premises retailer’s license, class C or D” in its place.

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

“(c) Except as provided for in subsection (c-1), the location used to manufacture wine shall be on or immediately adjacent to the facility used by the on-premises retailer’s license class C or D licensee that is licensed to the wine pub owner in accordance with subsection (b) of this section.”.

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

“(c-1)(1) A licensee holding a wine pub endorsement may manufacture wine at a location that is not on or immediately adjacent to the on-premises retailer’s license, class C or D; provided, that:

“(A) The licensee obtains an off-site production permit, as defined by regulation;

“(B) The location of the off-site production permit is within 600 feet of the licensed establishment; and

“(C) No on-premises or off-premises sales occur at the off-site production location.

“(2) The minimum annual fee for an off-site production permit shall be \$500 per

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year.”.

(G) Subsection (d) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(H) Subsection (d-1) is amended as follows:

(i) Paragraph (1) is amended as follows:

(I) The lead-in text is amended by striking the phrase “If the licensee possesses or has submitted a completed application for a wine pub permit” and inserting the phrase “If the licensee has submitted a completed application for or is the holder of a wine pub endorsement” in its place.

(II) Subparagraph (A) is amended as follows:

(aa) Strike the word “permit” and insert the word “endorsement” in its place.

(bb) Strike the word “any” and insert the article “an” in its place.

(cc) Strike the word “business” and insert the word “operating” in its place.

(ii) Paragraph (3) is amended as follows:

(I) Strike the word “permit” both times it appears and insert the word “endorsement” in its place.

(II) Strike the phrase “, as set forth in the schedule of civil penalties established under § 25-830.”.

(iii) Paragraph (4) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(I) Subsection (e) is repealed.

(K) Subsection (f) is amended to read as follows:

“(f) A wine pub endorsement shall be cancelled or revoked if the on-premises retailer’s license class C or D licensee ceases operation or the license is revoked or cancelled.”.

(L) Subsection (g) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(M) Subsection (h) is amended by striking the word “permits” and inserting the word “endorsements” in its place.

(N) A new subsection (i) is added to read as follows:

“(i) A licensee holding a wine pub endorsement shall be authorized to sell and deliver wine directly to a consumer for off-premises consumption if the alcoholic beverage is:

“(1) Manufactured at the wine pub facility;

“(2) Manufactured by the holder of the wine pub endorsement or an entity, regardless of jurisdiction, with a shared ownership interest of 5% or more in the location where the wine pub endorsement is located; or

“(3) Manufactured by the holder of the wine pub endorsement as part of a



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collaboration with another manufacturer, regardless of jurisdiction.”.

(7) Section 25-125 is amended as follows:

(A) The heading is amended to read as follows:

“§ 25-125. Distillery pub endorsement.”.

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

“(a) A distillery pub endorsement shall authorize the licensee to manufacture distilled spirits at one location from fruits or grains, to blend and rectify distilled spirits, and store distilled spirits transported to the on-premises retailer’s license class C licensee for on-premises consumption, and for sale to licensed wholesalers for the purposes of resale to other licensees.”.

(C) Subsection (b) is amended as follows:

(i) Strike the word “permit” and insert the word “endorsement” in its place.

(ii) Strike the phrase “an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub license, class C” and insert the phrase “an on-premises retailer’s license, class C” in its place.

(D) Subsection (c) is amended by striking the phrase “The location” and inserting the phrase “Except as provided for in subsection (c-1), the location” in its place.

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

“(c-1)(1) A licensee holding a distillery pub endorsement may manufacture distilled spirits at a location not on or immediately adjacent to the licensed premises; provided, that:

“(A) The licensee obtains an off-site production permit, as defined by regulation;

“(B) The location of the off-site production permit is within 600 feet of the licensed premises; and

“(C) No on-premises or off-premises sales occur at the off-site production location.

“(2) The minimum annual fee for an off-site production permit shall be \$500 per year.”.

(F) Subsection (d) is amended as follows:

(i) Paragraph (1) is amended as follows:

(I) The lead-in text is amended by striking the phrase “or received a distillery pub permit” and inserting the phrase “or is a holder of a distillery pub endorsement” in its place.

(II) Subparagraph (A) is amended by striking the phrase “permit holder’s licensed location” and inserting the phrase “endorsement holder’s licensed premises” in its place.

(III) Subparagraphs (D) and (C) are amended by striking the word “permit” everywhere it appears and inserting the word “endorsement” in its place.

(G) Subsection (d-1) is amended as follows:

(i) The lead-in text is amended by striking the phrase “if a licensee

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possesses or has submitted a completed application for a distillery pub permit” and inserting the phrase “if the licensee has submitted a completed application for or is the holder of a distillery pub endorsement” in its place.

(ii) Subparagraphs (A) and (B) are amended by striking the word “permit” wherever it appears and inserting the word “endorsement” in its place.

(iii) Paragraphs (2) and (3) are amended by striking the word “permit” wherever it appears and inserting the word “endorsement” in its place.

(iv) Paragraph (4) is amended as follows:

(I) Strike the word “permit” both times it appears and insert the word “endorsement” in its place.

(II) Strike the phrase “, as set forth in the schedule or civil penalties established under § 25-830,”.

(v) Paragraph (5) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(H) Subsection (e) is repealed.

(I) Subsection (f) is amended to read as follows:

“(f) A distillery pub endorsement shall be cancelled or revoked if the on-premises retailer’s license class C licensee ceases operations or the license is revoked or cancelled.”.

(J) Subsection (g) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(K) Subsection (h) is amended by striking the word “permits” and inserting the word “endorsements” in its place.

(L) A new subsection (i) is added to read as follows:

“(i) A licensee holding a distillery pub endorsement shall be authorized to sell and deliver spirits directly to a consumer for off-premises consumption if the spirits are:

“(1) Manufactured at the distillery pub facility;

“(2) Manufactured by the holder of the distillery pub endorsement or an entity, regardless of jurisdiction, with a shared ownership interest of 5% or more in the location where the distillery pub endorsement is located; or

“(3) Manufactured by the holder of the distillery pub endorsement as part of a collaboration with another manufacturer, regardless of jurisdiction.”.

(8) Section 25-128 is amended as follows:

(A) Subsection (a) is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(B) Subsection (h) is amended by striking the word “permit” wherever it appears and inserting the word “endorsement” in its place.

(b) Chapter 4 is amended as follows:

(1) The table of contents for Subchapter I is amended by adding a new section designation to read as follows:

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“§ 25-407. Application for brew pub endorsement.”

(2) Section 25-407 is amended as follows:

(A) The heading amended to read as follows:

“§ 25-407. Application for brew pub endorsement.”

(B) The lead-in text is amended by striking the word “permit” and inserting the word “endorsement” in its place.

(c) Section 25-508 is amended by striking the phrase, “Brew pub permit 3,000/year”.

(d) Chapter 7 is amended as follows:

(1) Section 25-711(b) is amended by striking the phrase “retail license or a club” and inserting the phrase “retail license, manufacturer’s license, or a club” in its place.

(2) Section 25-737 is amended by striking the word “permit” everywhere it appears and inserting the word “endorsement” in its place.

(e) Section 25-902 is amended by striking the word “permit” everywhere it appears and inserting the word “endorsement” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia

APPROVED  
December 23, 2019

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-189**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2019**

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to eliminate the limit on the number of plants that a cultivation center may grow.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Plant Count Elimination Temporary Amendment Act of 2019”.

Sec. 2. Section 7(e)(2) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(e)(2)), is repealed.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

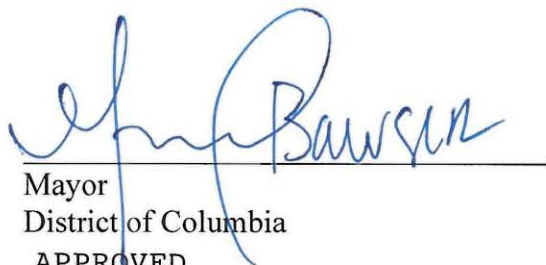
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED

December 23, 2019

**Council of the District of Columbia  
Committee on Government Operations  
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon T. Todd, Chair  
Committee on Government Operations  
Announces a Public Hearing**

on

**B23-0073 - Attorney General Civil Rights Enforcement Clarification Amendment  
Act of 2019**

**Wednesday, February 19, 2020, 9:00 A.M.  
John A. Wilson Building, Room 120  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on *B23-0073, the Attorney General Civil Rights Enforcement Clarification Amendment Act of 2019*. The public hearing is scheduled for Wednesday, February 19, 2019 at 9:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

**B23-0073** authorizes the Attorney General to bring civil actions under the Human Rights Act. It clarifies that the aggrieved party in a fair housing action, may retain his or her own counsel and it also clarifies when the Attorney General may seek to withdraw from representing the aggrieved party while continuing to represent the District of Columbia's interests.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Manny Geraldo of the Committee on Government Operations at (202) 724-6663 or by email at [GovernmentOperations@dccouncil.us](mailto:GovernmentOperations@dccouncil.us) and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Monday, February 17, 2019. Each witness is requested to bring 10 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, March 4, 2019. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

Revised and Abbreviated

CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**PR 23-566, Board of Trustees of the University of the District of Columbia Joshua Wyner  
Confirmation Resolution of 2019**

**PR 23-567, Board of Trustees of the University of the District of Columbia Dr. Esther Barazzone  
Confirmation Resolution of 2019**

**PR 23-568, Board of Trustees of the University of the District of Columbia Jerome Shelton  
Confirmation Resolution of 2019**

**PR 23-576, Commission on the Arts and Humanities Alma Gates Confirmation Resolution of 2019**

**PR 23-577, Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of  
2019**

**PR 23-578, Commission on the Arts and Humanities Jose Alberto Ucles Confirmation Resolution of  
2019**

**PR 23-579, Commission on the Arts and Humanities Mary Ann Miller Confirmation Resolution of  
2019**

**PR 23-580, Commission on the Arts and Humanities Cicie Sattarnilasskorn Confirmation Resolution  
of 2019**

**PR 23-581, Commission on the Arts and Humanities Natalie Hopkinson Confirmation Resolution of  
2019**

**PR 23-582, Commission on the Arts and Humanities Cora Masters Barry Confirmation Resolution  
of 2019**

on

**Thursday, January 9, 2020**

**10:00 a.m., Hearing Room 412, John A. Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **PR 23-566**, Board of Trustees of the University of the District of Columbia Joshua Wyner Confirmation Resolution of 2019; **PR 23-567**, Board of Trustees of the University of the District of Columbia Dr. Esther Barazzone Confirmation Resolution of 2019; **PR 23-568**, Board of Trustees of the University of the District of Columbia Jerome Shelton Confirmation Resolution of 2019; **PR 23-576**, Commission on the Arts and Humanities Alma Gates Confirmation Resolution of 2019; **PR 23-577**, Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2019; **PR 23-578**, Commission on the Arts and Humanities Jose Alberto Ucles Confirmation Resolution of 2019; **PR 23-579**, Commission on the Arts and

Humanities Mary Ann Miller Confirmation Resolution of 2019; **PR 23-580**, Commission on the Arts and Humanities Cicie Sattarnilasskorn Confirmation Resolution of 2019; **PR 23-581**, Commission on the Arts and Humanities Natalie Hopkinson Confirmation Resolution of 2019; and **PR 23-582**, Commission on the Arts and Humanities Cora Masters Barry Confirmation Resolution of 2019. The hearing will be held at noon on Thursday, January 9, 2020 in Hearing Room 412 of the John A. Wilson Building. The hearing will be divided into two parts. The first part of the hearing will be on the qualifications of the nominees to the University of the District of Columbia (UDC) Board of Trustees, and the second part of the hearing will be on the qualifications of the nominees to the Commission on the Arts and Humanities (Commission). *This notice is being revised to reflect the change in the time of the hearing from 12:00 p.m. to 10:00 a.m.*

The stated purpose of PRs 23-566 through 23-568 is to confirm the reappointments of Joshua Wyner, Dr. Esther Barazzone, and Jerome Shelton to the UDC Board of Trustees for terms to end May 15, 2024. The UDC Board of Trustees is the governing body for the University of the District of Columbia, and is charged with establishing and ensuring accreditation of each component of the University System, to include a liberal arts component, a vocational and technical component, and a school of law.

The stated purpose of PRs 23-576 through 23-580 is to confirm the reappointments of Alma Gates, Rhona Friedman, Jose Alberto Ucles, Mary Ann Miller, and Cicie Sattarnilasskorn to the Commission on the Arts and Humanities for terms to end June 30, 2022. The stated purpose of PRs 23-581 and 23-582 is to confirm the appointments of Natalie Hopkinson and Cora Masters Barry to the Commission for terms to end June 30, 2021. The Commission is an independent body that consists of 18 members. Its role is to evaluate and initiate action on matters relating to the arts and humanities and encourage programs and the development of programs which promote progress in the arts and humanities.

The purpose of this hearing is to receive testimony from witnesses as to the fitness of these nominees for the UDC's Board of Trustees and the Commission. Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Peter Johnson at (202) 724-8083, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, January 7, 2020**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on January 7, 2020 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, January 20, 2020.

For reasonable accommodation requests, please inform the Committee of the Whole of the need as soon as possible but no later than five (5) business days before the hearing. 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.



**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE ON EDUCATION  
NOTICE OF PUBLIC ROUNDTABLE**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
&  
COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCES A JOINT PUBLIC ROUNDTABLE**

On

**Youth Bullying in the District of Columbia**

on

**Tuesday, January 14, 2020  
3:30 P.M., Hearing Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Chairman Phil Mendelson, Committee of the Whole, and Councilmember David Grosso, Committee on Education, announce the scheduling of a joint public roundtable on Youth Bullying in the District of Columbia. The roundtable will be held at 3:30 p.m. on Tuesday, January 14, 2020 in hearing room 120 of the John A. Wilson Building.

The stated purpose of this roundtable is to discuss the results of the recently sunsetted Youth Bullying Prevention Task Force, which was created out of the “Youth Bullying Prevention Act of 2012” to create a comprehensive model policy to be used as a framework for District agencies in adopting tailored anti-bully policies to protect youth in the District. This roundtable is also a follow up from the Committee on Education’s annual Youth Roundtable, where youth from various schools discussed their experiences with bullying.

Those who wish to testify can sign up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Friday, January 10, 2020. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses should limit their testimony to four minutes. If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004. The record will close at 5:00 p.m. on Tuesday, January 28, 2020.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the 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.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 3, 2020
Protest Petition Deadline: February 18, 2020
Roll Call Hearing Date: March 2, 2020

License No.: ABRA-110083
Licensee: Hemen LLC
Trade Name: Addis Paris Cafe
License Class: Retailer's Class "C" Restaurant
Address: 3103 Mount Pleasant Street, N.W.
Contact: Hemen Solomon: (202) 588-9060

WARD 1 ANC 1D SMD 1D04

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGES

Request to change hours of operation and alcoholic beverage sales and service for inside premises and outdoor sidewalk café. Applicant also requests an Entertainment Endorsement with a Dance Floor to provide live entertainment inside premises and outdoors in the Sidewalk Café.

CURRENT HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES, SERVICE, & CONSUMPTION FOR INSIDE PREMISES & FOR OUTDOOR SIDEWALK CAFÉ

Sunday 10am – 10pm, Monday through Wednesday 9:30am – 10pm, Thursday 9:30am – 11pm, Friday and Saturday 9:30am–12:30am

PROPOSED HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 8am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES

Sunday through Saturday 8am – 2am

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR OUTDOOR SIDEWALK CAFÉ

Sunday through Saturday 8:30am – 2am

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND OUTDOOR IN SIDEWALK CAFÉ

Sunday through Saturday 8am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
1/3/2020

Notice is hereby given that:

License Number: ABRA-109491

License Class/Type: C Restaurant

Applicant: Sidamo Coffee & Tea, Inc.

Trade Name: Sidamo Coffee & Tea, Inc.

ANC: 6C04

Has applied for the renewal of an alcoholic beverage license at the premises:

417 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
2/18/2020

A HEARING WILL BE  
3/2/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1 am	11 am - 1 am	-
Monday:	8 am - 1 am	11 am - 1 am	-
Tuesday:	8 am - 1 am	11 am - 1 am	-
Wednesday:	8 am - 1 am	11 am - 1 am	-
Thursday:	8 am - 1 am	11 am - 1 am	-
Friday:	8 am - 1 am	11 am - 1 am	-
Saturday:	8 am - 1 am	11 am - 1 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 3, 2020
Protest Petition Deadline: February 18, 2020
Roll Call Hearing Date: March 2, 2020
Protest Hearing Date: April 22, 2020

License No.: ABRA-115719
Licensee: Stemless DC, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 1939 12th Street, N.W., Unit C1-A
Contact: Angela Allred, President: (443) 831-7125

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on April 22, 2020 at 1:30 p.m.

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a wine bar, serving wines by the glass and the bottle, with a wine-focused cocktail list and light snacks. Applicant is also applying for a Sidewalk Cafe Endorsement with 15 seats. Total seating inside is 40 with a Total Occupancy Load of 49.

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

Sunday through Thursday 11am - 12am
Friday and Saturday 11am - 1am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SIDEWALK CAFE)

Sunday through Thursday 11am - 11pm
Friday and Saturday 11am - 12am

**MAYOR'S AGENT ON HISTORIC PRESERVATION  
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing, which was previously scheduled for January 10, 2020, will be held at 1100 4th Street SW, Suite E200.

Hearing Date: **Friday, February 7, 2020 at 10:00 a.m.**  
Case Number: H.P.A. 19-497  
Square/Lot: Square 192, Lot 108  
Type of Work: Subdivision

Affected Historic Property: Scottish Rite Temple  
Affected ANC: 2B

The Applicant's claim is that the proposed subdivision is necessary in the public interest because it is consistent with the purposes of the D.C. Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144, as amended; D.C. Code § 6-1101 et seq.), as those purposes are set forth in D.C Code § 6-1101(b).

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

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, FEBRUARY 26, 2020  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD THREE**

20182  
ANC 3G                    **Appeal of Nancy Stanley**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on August 22, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1909479, to permit the construction of a 3-story addition, an alteration and repair of an existing cellar, and the construction of a new accessory dwelling unit in the R-1-B Zone at premises 5039 Reno Road N.W. (Square 1877, Lot 18).

**WARD FOUR**

20202  
ANC 4B                    **Application of DuVon Floyd**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 304.1 and the rear yard requirements of Subtitle E § 5004.1, to permit the construction of a one-story garage in the R-2 Zone at premises 6223 8th Street, N.W. (Square 3161, Lot 58).

**WARD TWO**

20207  
ANC 2E                    **Application of Amanda J. Lepof and Clint G. Burkholder**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a two-story rear addition to an existing attached principal dwelling unit in the R-20 Zone at premises 3518 S Street N.W. (Square 1303, Lot 30).

BZA PUBLIC HEARING NOTICE  
FEBRUARY 26, 2020  
PAGE NO. 2

**WARD FOUR**

20208                    **Application of NPM Developers LLC**, pursuant to 11 DCMR Subtitle  
ANC 4C                   X, Chapter 9, for a special exception under the RF use requirements of  
                                 Subtitle U § 320.2, to convert a one-family dwelling into a three-unit  
                                 apartment house in the RF-1 Zone at premises 1345 Quincy Street  
                                 N.W. (Square 2825, Lot 106).

PLEASE NOTE:

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

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

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

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

**Do you need assistance to participate?**

Amharic

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

## BZA PUBLIC HEARING NOTICE

FEBRUARY 26, 2020

PAGE NO. 3

Chinese

您需要有人帮助参加活动吗？

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

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



## 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 amendment to Section 311 (Notice to Taxpayers) is necessary to require electronic filing of assessment appeals by tax representatives to streamline the assessment appeal process and case tracking.

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:**

**New Subsection 311.5, of Section 311, NOTICE TO TAXPAYERS, is added to read as follows.**

311.5 Appeals (for which a letter of agent authorization is submitted or shall be submitted) shall be filed electronically where the agent or agent's employer submits five (5) or more appeals during any tax year. For the purposes of this section, the term "agent" and the phrase "agent's employer" means any person which represents a real property owner, whether itself or through its employees, during an assessment appeal for which the person does not have an equity interest in, either directly or indirectly, or is not directly employed by, the real property owner.

Comments on this proposed rulemaking should be submitted to Robert McKeon, Deputy Chief Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Robert McKeon may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4<sup>th</sup> Street, S.W., Suite 750, Washington, DC 20024; telephone at (202) 442-6500; 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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF PROPOSED RULEMAKING**  
**Z.C. Case No. 19-11**  
**(Text Amendment – 11-X DCMR)**  
**(To Amend Public School Zoning Regulations)**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), hereby gives notice of its intent to amend the following subtitles of the Zoning Regulations (Title 11 of the DCMR, to which all references are made unless otherwise specified):

- Subtitle B (Definitions, Rules of Measurement, and Use Categories)
- Subtitle C (General Rules)
- Subtitle D (Residential House (R) Zones)
- Subtitle E (Residential Flat (RF))
- Subtitle F (Residential Apartment (RA) Zones)
- Subtitle G (Mixed-Use (MU) Zones)
- Subtitle H (Neighborhood Mixed-Use (NC) Zones)
- Subtitle I (Downtown (D) Zones)
- Subtitle J (Production, Distribution, and Repair (PDR) Zones)
- Subtitle K (Special Purposes Zones)
- Subtitle U (Use Permissions)

The text amendment proposes to relocate the development standards governing public schools to make it easier to identify the applicable standards to public schools for each zone by relocating these public school regulations from the current location in Chapter 16 of Subtitle C (General Rules) to the specific development standards for individual zones in new Chapters 49 in Subtitles D through K. Although the focus of the amendment is to relocate the current provisions without substantive changes, the Commission does propose the following substantive changes:

- Penthouse Height – to permit a mechanical penthouse height of eighteen feet-six inches (18 ft. 6 in.), which exceeds the existing limitation of twelve feet (12 ft.), in low density zones;
- Floor Area Ratio – to increase from 0.9 floor area ratio (FAR) to 1.8 FAR in the R-1-A, R-1-B, and R-2 zones;
- Parking – to allow reductions to minimum parking requirements in R and RF zones where the public school is proximate to transit and to modify the screening standards for public school parking lots;
- Bicycle Parking – to change the long-term bicycle parking requirements to allow bicycle parking outside of the school building;
- Shower and changing facilities – to limit the requirement to provide shower and changing facilities within elementary schools to staff only;
- Definition – to add the definition of “structure” to the “public school” definition;
- Front setback – to clarify that the front setback requirement in low-density zones is not applicable to public schools;

- Side yards – to clarify that side yards are only required for public schools in the R-1-A, R-1-B, and R-2 zones.

On June 14, 2019, the Office of Planning (OP) filed a report with the Office of Zoning that served as a petition proposing text amendments to Subtitles B through K and U. On June 24, 2019, the Commission voted to set down the petition for a public hearing, which was scheduled for December 5, 2019. OP filed its Hearing Report on November 25, 2019 as required by Subtitle Z, § 400.6, recommending approval of the proposed text amendment. The Hearing Report also introduced minor changes to the text as found in the public hearing notice in order to change the sequencing of the development standards in Chapters 49.

At the December 5, 2019 public hearing, the Commission heard testimony from OP in support of the proposed text amendment and from ANC 6C, which opposed a specific provision (the reduction of public school parking requirements, as further discussed below) in the proposal.

#### ***“Great Weight” to the Recommendations of OP***

The Commission is required to 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.); Subtitle Y § 405.8); *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds OP’s recommendation that the Commission take proposed action to adopt the proposed text amendment persuasive and concurs in that judgment.

#### ***“Great Weight” to the Written Report of the ANCs***

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.); Subtitle Z § 406.2). To satisfy the 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). In this case, all ANCs are potentially affected by the changes to the public school standards.

ANC 6B filed a written report, dated November 15, 2019, stating its support of the proposed text amendments. In particular, ANC 6B expressed its support for the reduction of parking requirements, indicating that space devoted to parking could be better devoted to play or educational space.

ANC 6C filed a written report, dated December 5, 2019, and provided testimony at the December 5, 2019 public hearing. Unlike ANC 6B, ANC 6C opposed a reduction to the parking requirement. More specifically, ANC 6C disagreed with the proposed revision to 11-C DCMR § 702, which would allow public schools located proximate to transit in R or RF zones to reduce

the parking minimum by fifty percent (50%). ANC 6C instead suggested that the parking regulations should be modified to allow the parking requirement to be satisfied off-site from public school property, including potentially in curbside areas along public roadways. ANC 6C referenced the recently enacted D.C. Council legislation titled the “Daytime School Parking Zone Act of 2018” as potentially facilitating such off-site public school parking.

The Commission found ANC 6B’s support of the parking reduction as allowing more space for play or education space persuasive and concurs in that judgement. The Commission did not find ANC 6C’s proposed modification to allow dedicated street parking to count towards the parking requirement persuasive because no regulations have been issued to implement the law on which ANC 6C’s proposal relied.

At the close of the December 5, 2019 public hearing, the Commission voted to take proposed action and authorized the publication of a notice of proposed rulemaking.

**VOTE (December 5, 2019): 4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to **APPROVE**; Michael G. Turnbull, not present, not participating).

The complete record in the case, including the OP and ANC reports and transcript of the public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

Final Rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underline** text and deletion are shown in **bold strikethrough** text).

**I. Proposed Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT AND USE CATEGORIES**

**Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is proposed to be amended to revise the definition of “Public School” as follows:**

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

...<sup>1</sup>

School, Public: A building, **structure**, or use within a building operated or chartered by the District of Columbia Board of Education or the District of

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

Columbia Public Charter School Board for educational purposes and such other community uses as deemed necessary and desirable.

The term shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space.

The term also shall include a community-centered school campus; provided, that no part of the building or structure shall be used to house the administrative offices or maintenance and repair shop intended or used for the entire school system, or as a technical or vocational school.

...

**II. Proposed Amendments to SUBTITLE C, GENERAL RULES**

**Section 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING of Subtitle C, GENERAL RULES, is proposed to be amended to clarify parking requirements for public schools in § 702.1 including a new § 702.2, with current §§ 702.2 and 702.3 renumbered as new §§ 702.3 and 702.4, to read as follows:**

702.1 Except as provided in Subtitle C § 702.2, ~~Within~~ within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located:

(a) ...

**702.2 In any zone, a public school shall be permitted to reduce its minimum vehicle parking requirement by fifty percent (50%) pursuant to the criteria of Subtitle C § 702.1(a), (b), or (c).**

~~702.2~~ **702.3** Any applicant claiming a reduction in required parking ...

~~702.3~~ **702.4** Vehicle parking shall not be required ...

**A new § 714.3 is proposed to be added to § 714, SCREENING REQUIREMENTS FOR SURFACE PARKING, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, to read as follows:**

**714.3 Notwithstanding the requirements of Subtitle C § 714.2, screening for a public school’s external surface parking shall be provided in accordance with the following provisions:**

- (a) Screening shall be provided around the entire perimeter of the surface parking area, except no screening is required to be provided for driveways and pedestrian exits or entrances that open directly onto a street, sidewalk or alley; and
- (b) The screening shall be either:
- (1) A solid or non-solid fence or wall at least forty-two (42) inches high; or
- (2) Evergreen shrubs or trees that are planted between four feet (4 ft.) to six feet (6 ft.) on center, and that are at least forty-two (42) inches in height when planted and maintained in perpetuity.

Section 805, LONG-TERM BICYCLE PARKING SPACE REQUIREMENTS, of Chapter 8, BICYCLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to clarify bicycle parking requirements for public schools including a new § 805.11, to read as follows:

805.1 ~~All~~ Except for Subtitle C § 805.11, all required long-term bicycle parking spaces shall be located within the building of the use requiring them.

...

805.11 Public schools may locate some or all required long-term bicycle parking spaces outside the school building generating the requirement subject to the following conditions:

- (a) Required long-term bicycle parking spaces shall be located on the public school property on which the school building is located and shall be available to all occupants of the building;
- (b) Required long-term bicycle spaces shall be located in one or more dedicated bicycle parking areas within one-hundred and twenty feet (120 ft.) of a primary entrance to the school building;
- (c) Required long-term bicycle spaces shall be provided either as bicycle racks that meet the standards of Subtitle C §§ 801.3 and 801.4, or as bicycle lockers that meet the standards of Subtitle C § 805.7; and
- (d) An aisle at least four feet (4 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times.

A new § 806.3 is proposed to be added to Section 806, REQUIREMENTS FOR SHOWERS AND CHANGING FACILITIES – NON- RESIDENTIAL USES, of Chapter 8, BICYCLE PARKING, of Subtitle C, GENERAL RULES, to clarify shower and changing facility requirements for public schools, with current §§ 806.3 through 806.5 renumbered as new §§ 806.4 through 806.6, to read as follows:

**806.3** Notwithstanding the requirements of Subtitle C §§ 806.4 to 806.6, public elementary schools shall provide a minimum of two (2) showers and two (2) clothing lockers for staff and shall not be required to provide shower and changing facilities for students.

**806.3** **806.4** A non-residential use that requires ...

**806.4** **806.5** A non-residential use that requires ...

**806.5** **806.6** Showers and lockers required by this section ...

The title of Chapter 16, PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended to read as follows:

**CHAPTER 16 PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES**

Subsection 1600.1 of § 1600, GENERAL PROVISIONS, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended to read as follows:

1600.1 The provisions of this chapter control the height and bulk of ~~public education buildings and structures~~, public recreation and community centers, and public libraries.

Subsection 1601.1 of Section 1601, DEVELOPMENT STANDARDS, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended as follows:

1601.1 Public ~~education buildings and structures~~, public recreation and community centers, or public libraries subject to this chapter, but not otherwise regulated by the development standards of this chapter, shall be subject to the development standards for the zone in which the building or structure is proposed.

Section 1602, HEIGHT, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended by deleting § 1602.1, with current §§ 1602.2 through 1602.4 renumbered as new §§ 1602.1 through 1602.3, to read as follows:

~~1602.1~~ A public school building or structure may be erected to a height as follows:

- ~~(a) In an RF-3 zone, a public school building or structure may be erected to a height not exceeding forty feet (40 ft.);~~
- ~~(b) In an R, RF-1, or RF-2 zone, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft.);~~
- ~~(c) In an RF-4, RF-5, RA, and RC-1 zone, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft.); and~~
- ~~(d) In all other zones a public school building or structure may be erected to the maximum height permitted within the zone.~~

~~1602.2~~ 1602.1 A public recreation and community center may be erected ...

~~1602.3~~ 1602.2 A public library may be built to ...

~~1602.4~~ 1602.3 A college or university building or structure ..

Section 1603, LOT OCCUPANCY, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended, including deleting references to public schools and §§ 1603.5 and 1603.6, with current §§ 1603.7 and 1603.8 renumbered as new §§ 1603.5 and 1603.6, to read as follows:

1603.1 A public recreation and community center shall not ...

...

1603.4 Public ~~education buildings and structures and public~~ libraries shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE C § 1603.4: MAXIMUM LOT OCCUPANCY FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES AND PUBLIC LIBRARIES**

Zone District	Structure	Maximum Percent of Lot Occupancy (%)
RA-6, RA-7, RA-8, RA-9	Public school buildings and structures	40%



	Public library	40%
R-1-A, R-1-B, R-2, R-3, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-19, R-20, R-21, RF-1, RF-2, RF-3	<b>Public school buildings and structures</b>	<b>60%</b>
	Public library	40%
RA-1, RA-2, RC-1	<b>Public school buildings and structures</b>	<b>60%</b>
	Public library	60%
RA-3, RA-4, RA-5, RA-10, RA-11	<b>Public school buildings and structures</b>	<b>75%</b>
	Public library	75%
All other zones	<b>Public school buildings and structures</b>	<b>None prescribed</b>
	Public library	None prescribed

~~1603.5~~ ~~A public education building or structure may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in this section subject to all of the following conditions:~~

~~(a) The portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and~~

~~(b) The total lot occupancy shall not exceed seventy percent (70%) in the R-2, R-3, R-10, R-13, R-17, R-20, and RF zones.~~

~~1603.6 The roof area of a public education building or structure shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level provided direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public rights-of-way shall be provided to each roof area used for these purposes.~~

~~1603.7~~ 1603.5 A public recreation and community center may ...

~~1603.8~~ 1603.6 A public library may be permitted a lot occupancy ...

**Subsection 1604.2 of § 1604, DENSITY – GROSS FLOOR AREA (GFA) AND FLOOR AREA RATIO (FAR), of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended, to read as follows:**

1604.2 Public ~~education buildings and structures~~, public recreation and community centers, and public libraries shall be permitted a maximum floor area ratio as set forth in the following table:

**TABLE C § 1604.2: MAXIMUM FAR FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES**

<b>Zone</b>	<b>Structure</b>	<b>Maximum FAR</b>
R-1-A, R-1-B, R-2, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-14, R-15, R-16, R-19, R-21	Public libraries	None prescribed
	<del>Public school buildings and structures</del>	<del>0.9</del>
	Public recreation and community center	0.9
	All other structures	None prescribed
R-3, R-13, R-17, R-20	Public libraries	None prescribed
	<del>Public school buildings and structures</del>	<del>1.8</del>
	Public recreation and community center	1.8
	All other structures	None prescribed
RF-1, RF-2, RF-3	Public libraries	None prescribed
	<del>Public school buildings and structures</del>	<del>1.8</del>
	Public recreation and community center	1.8
	All other structures	None prescribed
RF-4, RF-5	Public libraries	2.0
	<del>Public school buildings and structures</del>	<del>1.8</del>
	Public recreation and community center	1.8
	All other structures	None prescribed
RA-1, RA-6	Public libraries	2.0
	<del>Public school buildings and structures</del>	<del>1.8</del>
	Public recreation and community center	0.9
	All other structures	0.9
RA-2, RA-7, RA-8, RC-1	Public libraries	2.0
	<del>Public school buildings and structures</del>	<del>1.8</del>
	Public recreation and community center	1.8
	All other structures	1.8
RA-3	Public libraries	3.0
	<del>Public school buildings and structures</del>	<del>3.0</del>
	Public recreation and community center	1.8
	All other structures	3.0
RA-4, RA-9	Public libraries	3.5

	<b>Public school buildings and structures</b>	<b>3.0</b>
	Public recreation and community center	1.8
	All other structures	3.5
RA-5, RA-10	Public libraries	5.0
	<b>Public school buildings and structures</b>	<b>3.0</b>
	Public recreation and community center	1.8
	All other structures	5.0
MU-1, MU-2, MU-15, MU-16, MU-23	Public libraries	As permitted by zone
	<b>Public school buildings and structures</b>	<b>3.0</b>
	Public recreation and community center	1.8
	All other structures	As permitted by zone
MU-3	<b>Public school buildings and structures</b>	<b>1.8</b>
	All other structures	As permitted by zone
MU-10, MU-22, MU-29	<b>Public school buildings and structures</b>	<b>3.0</b>
	All other structures	As permitted by zone
All other zones	All structures	As permitted by zone

Section 1605, MINIMUM LOT SIZE AND DIMENSIONS, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended by deleting §§ 1605.1 through 1605.4, with current § 1605.5 renumbered as new § 1605.1, to read as follows:

~~1605.1 — Unless otherwise permitted or required, use of an existing or creation of a new lot for public school buildings or structures shall be subject to the following minimum lot dimensions as set forth in the following table:~~

**TABLE C § 1605.1: MINIMUM LOT DIMENSIONS FOR PUBLIC SCHOOL BUILDINGS OR STRUCTURES**

<b>Zone</b>	<b>Structure</b>	<b>Minimum Lot Area (Square Feet)</b>	<b>Minimum Lot Width (Feet)</b>
<b>R-1-A</b>	<b>Public school or structure</b>	<b>15,000</b>	<b>120</b>
<b>R-1-B</b>	<b>Public school or structure</b>	<b>15,000</b>	<b>120</b>
<b>R-2, R-10</b>	<b>Public school or structure</b>	<b>9,000</b>	<b>120</b>
<b>R-3, R-13, R-17, R-20</b>	<b>Public school or structure</b>	<b>9,000</b>	<b>120</b>
<b>RF (R-4)</b>	<b>Public school or structure</b>	<b>9,000</b>	<b>120</b>
<b>RA-1, RA-6</b>	<b>Public school or structure</b>	<b>9,000</b>	<b>80</b>

<del>RA-2, RA-7, RA-8, RA-9,</del>	<del>Public school or structure</del>	<del>9,000</del>	<del>80</del>
<del>RA-3, RA-4, RA-5, RA-10</del>	<del>Public school or structure</del>	<del>None prescribed</del>	<del>80</del>
<del>All other zones</del>	<del>All other structures</del>	<del>None prescribed</del>	<del>None</del>

~~1605.2 For public education buildings or structures, minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.~~

~~1605.3 For public education buildings or structures on split-zoned lots, the minimum lot width and minimum lot area requirements, if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.~~

~~1605.4 For public education buildings or structures on a lot with more than one (1) street front, the minimum lot width may include the measurement of all street frontages, provided the lot width can be measured without interruption by another lot~~

~~1605.5~~ 1605.1 Except in the RA-1 zone, a public recreation and community center ...

**Section 1606, REAR SETBACK, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended to read as follows:**

1606.1 A rear yard shall be provided for each ~~public education building and structure,~~ public recreation and community center, or public library located in any R, RF, or RA zone, the minimum depth of which shall be as set forth in the following table:

**TABLE C § 1606.1: REAR YARD FOR PUBLIC EDUCATION BUILDING AND STRUCTURE, PUBLIC RECREATION AND COMMUNITY CENTER, OR PUBLIC LIBRARY**

<b>Zone</b>	<b>Minimum Rear Yard (Feet)</b>
R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, R-21	25 feet
R-2, R-3, R-10, R-13, R-17, R-20, all RF, RA-1, RA-6	20 feet
RA-2, RA-3, RA-4, RA-7, RA-8, RA-9, RC-1	4 <del>in./ft. inches per foot</del> of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 <del>ft. feet</del>

RA-5, RA-10	3 <del>in./ft. inches per foot</del> of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 <del>ft. feet</del>
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1606.2 In the case of a corner lot ...

1606.3 In the case of a lot proposed to be used by a ~~public education building and structures~~ public recreation and community center, or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.

**Section 1607, SIDE YARD, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended, to read as follows:**

1607.1 In the case of a lot proposed to be used by a ~~public education building and structure~~, public recreation and community center, or public library that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side yard shall not be required.

**Subsection 1610.2 of § 1610, SPECIAL EXCEPTION, of Chapter 16, PUBLIC RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be amended to read as follows:**

1610.2 Exceptions to the development standards of this chapter for ~~public education buildings and structures~~ or a public library shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

**III. Subtitle D, RESIDENTIAL HOUSE (R) ZONES**

**The title of § 104, PUBLIC EDUCATION, RECREATION, OR LIBRARY BUILDINGS AND STRUCTURES, of Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:**

**104 PUBLIC EDUCATION, SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, OR LIBRARY BUILDINGS AND STRUCTURES AND PUBLIC LIBRARIES**

Section 104, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES, of Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, including adding a new § 104.2, with current § 104.2 renumbered as new § 104.3, to read as follows:

104.1 Public ~~education buildings and structures,~~ public recreation and community centers, or public libraries in the R zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

**104.2 Public schools in the R zones shall be permitted subject to the conditions of Subtitle D, Chapter 49.**

~~104.2~~ **104.3** Development standards not otherwise addressed by Subtitle C, Chapter 16, ~~or Subtitle D, Chapter 49,~~ shall be those development standards for the zone in which the building or structure is proposed.

Subsection 207.7 of § 207, HEIGHT, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is proposed to be deleted, with current §§ 207.8 and 207.9 renumbered as new §§ 207.7 and 207.8, to read as follows:

~~207.7~~ ~~A public school building or structure may be erected to a height not exceeding sixty feet (60 ft.).~~

~~207.8~~ **207.7** A public recreation and community center ...

~~207.9~~ **207.8** Where required by the Height Act, a height in excess ...

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added to read as follows:

**CHAPTER 49 PUBLIC SCHOOLS**

**4900 GENERAL PROVISIONS**

**4900.1 The provisions of this chapter control certain height and bulk of public schools.**

**4901 DEVELOPMENT STANDARDS**

**4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.**

**4902 DENSITY**

**4902.1 Public schools shall be permitted a maximum floor area ratio of 1.8 in the R zones.**

**4903 LOT DIMENSIONS**

**4903.1 Unless otherwise permitted or required, use of an existing or creation of a new lot for public schools shall be subject to the following minimum lot dimensions as set forth in the following table:**

**TABLE D § 4903.1: MINIMUM LOT WIDTH AND MINIMUM AREA FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>
<u>R-1-A, R-1-B</u>	<u>15,000</u>	<u>120</u>
<u>R-2, R-3, R-10, R-13, R-17, R-20</u>	<u>9,000</u>	<u>120</u>
<u>All other R zones</u>	<u>As required by zone</u>	<u>As required by zone</u>

**4903.2 Minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.**

**4903.3 On split-zoned lots, the minimum lot width and minimum lot area requirements, if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.**

**4903.4 On a lot with more than one (1) street front, the minimum lot width may include the measurement of all street frontages, provided the lot width can be measured without interruption by another lot.**

**4904 HEIGHT**

**4904.1 Public schools shall be permitted a maximum building height, not including the penthouse, as set forth in the following table:**

**TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Height, Not Including Penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<u>R-11, R-12, R-13</u>	<u>40</u>	<u>No Limit</u>
<u>All other R zones</u>	<u>60</u>	<u>No Limit</u>

**4905 PENTHOUSES**

**4905.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle;**

provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

**4906 FRONT SETBACK**

**4906.1 A front setback is not required for a public school.**

**4907 REAR YARD**

**4907.1 A rear yard shall be provided for each public school the minimum depth of which shall be as set forth in the following table:**

**TABLE D § 4907.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Rear Yard (ft.)</u>
<u>R-2, R-3, R-10, R-13, R-17, R-20</u>	<u>20</u>
<u>All other R zones</u>	<u>25</u>

**4907.2 In the case of a lot that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4908 SIDE YARD**

**4908.1 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided in the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12 R-14, R-15, R-16, R-19, and R-21 zones.**

**4908.2 In the R-2 and R-10 zones, one (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings and two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.**

**4908.3 In the R-3, R-13, R-17 and R-20 zones a side yard shall not be required. However, except as provided in Subtitle D §§ 4908.4 and 4908.5, if the yard is provided, it shall be not less than five feet (5 ft.) wide.**

**4908.4 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on one (1) or more side lot line, a required side yard may be reduced or omitted.**

**4908.5 A side yard may be reduced or omitted along a side street abutting a corner lot in an R zone.**



**4909 COURT**

**4909.1 Where a court is provided, it shall have the following minimum dimensions:**

**TABLE D § 4909.1: MINIMUM COURT DIMENSIONS FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>R zones</u>	<u>2.5 in./ft. of height of court;</u> <u>6 ft. minimum</u>	<u>2.5 in./ft. of height of court;</u> <u>12 ft. minimum</u>	<u>Twice the square of the required width of court dimension;</u> <u>250 sq. ft. minimum</u>

**4910 LOT OCCUPANCY**

**4910.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:**

**TABLE D § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Lot Occupancy (%)</u>
<u>R-6, R-7, R-8, R-9, R-10, R-11, R-14, R-15</u>	<u>30</u>
<u>All other R zones</u>	<u>60</u>

**4910.2 A public school subject to the 60% lot occupancy maximum may occupy the lot upon which it is located in excess of sixty percent (60%) subject to all of the following conditions:**

- (a) The portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and**
- (b) The total lot occupancy shall not exceed seventy percent (70%) in the R-2, R-3, R-13, R-17, and R-20 zones.**

**4911 PERVIOUS SURFACE**

**4911.1 The minimum percentage of pervious surface of a lot shall be thirty percent (30%).**

**4912 SPECIAL EXCEPTION**

**4912.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**IV. Proposed Amendments to Subtitle E, RESIDENTIAL FLAT (RF) ZONES**

The title of § 104, PUBLIC EDUCATION, RECREATION, OR LIBRARY BUILDINGS AND STRUCTURES, of Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

**104 PUBLIC EDUCATION, SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, OR LIBRARY BUILDINGS AND STRUCTURES AND PUBLIC LIBRARIES**

Section 104, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES, of Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended by adding new § 104.2 and renumbering existing § 104.2 as new § 104.3, to read as follows:

104.1 Public ~~education buildings and structures~~, **public** recreation and community centers, or public libraries in the RF zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

**104.2 Public schools in the RF zones shall be permitted subject to the conditions of Subtitle E, Chapter 49.**

~~104.2~~ **104.3** Development standards not otherwise addressed by Subtitle C, Chapter 16, ~~or Subtitle E, Chapter 49~~, shall be those development standards for the zone in which the building or structure is proposed.

Subsection 204.1, of § 204, PERVIOUS SURFACE, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), is proposed to be amended as follows:

204.1 The minimum pervious surface requirements for new construction on a lot in an RF zone are set forth in the following table:

**TABLE E § ~~205.1~~ 204.1: MINIMUM PERVIOUS SURFACE REQUIREMENTS**

	<b>Lot Size Minimum</b>	<b>Pervious Surface Minimum (%)</b>
Residential use	Less than 1,800 sq. ft.	0%
	1,801 to 2,000 sq. ft.	10%
	Larger than 2000 sq. ft.	20%
<del>Places of worship</del>	<del>Not applicable</del>	50%
<b>Public recreation and community center</b>	<b>Not applicable</b>	<b>50%</b>
<b>Public schools</b>	<b>Not applicable</b>	<b>50%</b>
All other structures	Not applicable	50%

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added, to read as follows:

**CHAPTER 49 PUBLIC SCHOOLS**

**4900 GENERAL PROVISIONS**

**4900.1 The provisions of this chapter control certain height and bulk of public schools.**

**4901 DEVELOPMENT STANDARDS**

**4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.**

**4902 DENSITY**

**4902.1 Public schools shall be permitted a maximum floor area ratio of 1.8 in the RF zones.**

**4903 LOT DIMENSIONS**

**4903.1 Unless otherwise permitted or required, use of an existing or creation of a new lot for public schools shall be subject to the following minimum lot dimensions as set forth in the following table:**

**TABLE E § 4903.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>
<u>RF zones</u>	<u>9,000</u>	<u>120</u>

**4903.2 Minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.**

**4903.3 On split-zoned lots, the minimum lot width and minimum lot area requirements, if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.**

**4903.4 On a lot with more than one (1) street front, the minimum lot width may include the measurement of all street frontages, provided the lot width can be measured without interruption by another lot.**

**4904 HEIGHT**

**4904.1 Public schools shall be permitted a maximum building height, not including the penthouse, as set forth in the following table:**

**TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Height, Not Including Penthouse (ft.)</u>	<u>Maximum Number of Stories</u>
<b>RF-1, RF-2</b>	<b>60</b>	<b>No limit</b>
<b>RF-3</b>	<b>40</b>	<b>No limit</b>
<b>RF-4, RF-5</b>	<b>90</b>	<b>No limit</b>

**4905 PENTHOUSES**

**4905.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.**

**4906 FRONT SETBACK**

**4906.1 A front setback is not required for a public school.**

**4907 REAR YARD**

**4907.1 A rear yard with a minimum depth of twenty feet (20 ft.) shall be provided for each public school.**

**4907.2 In the case of a lot that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4908 SIDE YARD**

**4908.1 In the RF zones a side yard shall not be required. However, except as provided in Subtitle E §§ 4908.2 and 4908.3, if the yard is provided, it shall be not less than five feet (5 ft.) wide.**

**4908.2 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on one (1) or more side lot line, a required side yard may be reduced or omitted.**

**4908.3 A side yard may be reduced or omitted along a side street abutting a corner lot in an RF zone.**

**4909 COURT**

**4909.1 Where a court is provided, it shall have the following minimum dimensions:**

**TABLE E § 4909.1: MINIMUM COURT DIMENSIONS FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>RF zones</u>	<u>2.5 in./ft. of height of court;</u> <u>6 ft. minimum</u>	<u>2.5 in./ft. of height of court;</u> <u>12 ft. minimum</u>	<u>Twice the square of the required width of court dimension;</u> <u>250 sq. ft. minimum</u>

**4910 LOT OCCUPANCY**

**4910.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:**

**TABLE E § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Lot Occupancy (%)</u>
<u>RF-1, RF-2, RF-3</u>	<u>60</u>
<u>RF-4, RF-5</u>	<u>No limit</u>

**4910.2 A public school may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in this section subject to all of the following conditions:**

- (a) The portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and**
- (b) The total lot occupancy shall not exceed seventy percent (70%).**

**4911 PERVIOUS SURFACE**

**4911.1 The minimum percentage of pervious surface of a lot shall be fifty percent (50%).**

**4912 SPECIAL EXCEPTION**

**4912.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**V. Proposed amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES**

The title of § 104, PUBLIC EDUCATION, RECREATION, OR LIBRARY BUILDINGS AND STRUCTURES, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended to read as follows:

104 PUBLIC EDUCATION, SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, OR LIBRARY BUILDINGS AND STRUCTURES AND PUBLIC LIBRARIES

Section 104, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, including adding new §§ 104.2 and 104.3, to read as follows:

104.1 Public ~~education buildings and structures~~ recreation and community centers, or public libraries in the RA zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

104.2 Public schools in the RA zones shall be permitted subject to the conditions of Subtitle D, Chapter 49.

104.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle F, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added, to read as follows:

CHAPTER 49 PUBLIC SCHOOLS

4900 GENERAL PROVISIONS

4900.1 The provisions of this chapter control certain height and bulk of public schools.

4901 DEVELOPMENT STANDARDS

4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

4902 DENSITY

4902.1 Public schools shall be permitted a maximum floor area ratio as set forth in the following table:

TABLE F § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS

<u>Zone</u>	<u>Maximum FAR</u>
<u>RA-1, RA-2, RA-6, RA-7, RA-8</u>	<u>1.8</u>

<u>Zone</u>	<u>Maximum FAR</u>
<u>RA-3, RA-4, R-5, RA-9, R-10</u>	<u>3.0</u>

**4903 LOT DIMENSIONS**

**4903.1 Unless otherwise permitted or required, use of an existing or creation of a new lot for public schools shall be subject to the following minimum lot dimensions as set forth in the following table:**

**TABLE F § 4903.1: MINIMUM LOT WIDTH AND MINIMUM AREA FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (ft.)</u>
<u>RA-1, RA-2, RA-6, RA-7, RA-8, RA-9</u>	<u>9,000</u>	<u>80</u>
<u>RA-3, RA-4, RA-5, RA-10</u>	<u>No minimum</u>	<u>80</u>

**4903.2 Minimum lot area may include adjacent parcels under the same ownership that are separated only by a public alley.**

**4903.3 On split-zoned lots, the minimum lot width and minimum lot area requirements, if any, of the less restrictive zone shall apply to the entire lot as long as the lot was in existence as of February 13, 2006.**

**4903.4 On a lot with more than one (1) street front, the minimum lot width may include the measurement of all street frontages, provided the lot width can be measured without interruption by another lot.**

**4904 HEIGHT**

**4904.1 Public schools shall be permitted a maximum building height of ninety feet (90 ft.), not including the penthouse.**

**4904.2 Public schools shall not be subject to a maximum number of stories.**

**4905 PENTHOUSES**

**4905.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.**

**4906 REAR YARD**

**4906.1 A rear yard shall be provided for each public school the minimum depth of which shall be as set forth in the following table:**

**TABLE F § 4906.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Rear Yard</u>
<u>RA-1, RA-6</u>	<u>20 ft.</u>
<u>RA-2, RA-3, RA-4, RA-7, RA-8, RA-9</u>	<u>4 in./ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 ft.</u>
<u>RA-5, RA-10</u>	<u>3 in./ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 ft.</u>

**4906.2 In the case of a lot that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4907 SIDE YARD**

**4907.1 In the RA-1 zone, one (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided.**

**4907.2 In an RA zone other than the RA-1 zone, a side yard shall not be required. However, except as provided in Subtitle F §§ 4907.3 and 4907.4, if the yard is provided, it shall be not less than five feet (5 ft.) wide.**

**4907.3 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on one (1) or more side lot line, a required side yard may be reduced or omitted.**

**4907.4 A side yard may be reduced or omitted along a side street abutting a corner lot in an RA zone.**

**4908 COURT**

**4908.1 Where a court is provided, it shall have the following minimum dimensions:**

**TABLE F § 4908.1: MINIMUM COURT DIMENSIONS FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Width Open Court</u>	<u>Minimum Width Closed Court</u>	<u>Minimum Area Closed Court</u>
<u>RA zones</u>	<u>2.5 in./ft. of height of court; 6 ft. minimum</u>	<u>2.5 in./ft. of height of court; 12 ft. minimum</u>	<u>Twice the square of the required width of court dimension; 250 sq. ft. minimum</u>



**4909 LOT OCCUPANCY**

**4909.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:**

**TABLE F § 4909.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Lot Occupancy (%)</u>
<u>RA-1, RA-2</u>	<u>60</u>
<u>RA-3, RA-4, RA-5, RA-10, RA-11</u>	<u>75</u>
<u>RA-6, RA-7, RA-8, RA-9</u>	<u>40</u>

**4909.2 A public school may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in this section provided the portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories.**

**4910 SPECIAL EXCEPTION**

**4910.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**VI. Proposed amendments to Subtitle G, MIXED-USE (MU) ZONES**

A new § 105, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES, is proposed to be added to Chapter 1 INTRODUCTION TO MIXED-USE ZONES, to read as follows:

**105 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES**

**105.1 Public recreation and community centers or public libraries in the MU zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.**

**105.2 Public schools in the MU zones shall be permitted subject to the conditions of Subtitle G, Chapter 49.**

**105.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle G, Chapter 49, shall be those development standards for the zone in which the buildings or structures is proposed.**

Chapter 10, DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR MU ZONES, is proposed to be deleted in its entirety.

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added to read as follows:

**CHAPTER 49 PUBLIC SCHOOLS**

**4900 GENERAL PROVISIONS**

**4900.1 The provisions of this chapter control certain height and bulk of public schools.**

**4901 DEVELOPMENT STANDARDS**

**4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.**

**4902 DENSITY**

**4902.1 Public schools shall be permitted a maximum floor area ratio as set forth in the following table:**

**TABLE G § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum FAR</u>
<u>MU-1, MU-2, MU-10, MU-15, MU-16, MU-22, MU-23, MU-29</u>	<u>3.0</u>
<u>MU-3</u>	<u>1.8</u>
<u>All other MU zones</u>	<u>As permitted for residential (non-IZ) uses by zone</u>

**4903 PENTHOUSES**

**4903.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.**

**4904 REAR YARD**

**4904.1 A minimum rear yard shall be provided as required by the zone within which the lot is located; provided that no rear yard shall be required for a lot that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation.**

**4905 SIDE YARD**

**4905.1 In the case of a lot that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.**

**4906 SPECIAL EXCEPTION**

**4906.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**VII. Proposed Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES**

A new § 105, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS AND PUBLIC LIBRARIES, is proposed to be added to Chapter 1 INTRODUCTION TO NEIGHBORHOOD MIXED-USE (NC) ZONES, to read as follows:

**105 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS AND PUBLIC LIBRARIES**

**105.1 Public recreation and community centers, or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.**

**105.2 Public schools in the NC zones shall be permitted subject to the conditions of Subtitle H, Chapter 49.**

**105.3 Development standards not otherwise addressed by Subtitle C, Chapter 16, or Subtitle H, Chapter 49, shall be those development standards for the zone in which the buildings or structures is proposed.**

Chapter 10, DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR NC ZONES, is proposed to be deleted in its entirety.

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added to read as follows:

**CHAPTER 49 PUBLIC SCHOOLS**

Sections 4900 to 4905 of Chapter 49, PUBLIC SCHOOLS are proposed to be added to clarify development standards for public schools, to read as follows:

**4900 GENERAL PROVISIONS**

**4900.1 The provisions of this chapter control certain height and bulk of public schools.**

**4901 DEVELOPMENT STANDARDS**

**4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.**

**4902 PENTHOUSES**

**4902.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.**

**4903 REAR YARD**

**4903.1 In the case of a lot proposed to be used by a public schools that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4904 SIDE YARD**

**4904.1 In the case of a lot proposed to be used by a public schools that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.**

**4905 SPECIAL EXCEPTION**

**4905.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

VIII. Proposed Amendments to Subtitle I, DOWNTOWN (D) ZONES

A new § 103, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES, is proposed to be added to Chapter 1, INTRODUCTION TO DOWNTOWN (D) ZONES, to read as follows:

103 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES

103.1 Public recreation and community centers, or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

103.2 Public schools in the D zones shall be permitted subject to the conditions of Subtitle I, Chapter 49.

103.3 Development standards not otherwise addressed by Subtitle I, Chapter 49, shall be those development standards for the zone in which the buildings or structures is proposed.

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added, to read as follows:

CHAPTER 49 PUBLIC SCHOOLS

4900 GENERAL PROVISIONS

4900.1 The provisions of this chapter control certain height and bulk of public schools.

4901 DEVELOPMENT STANDARDS

4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

4902 PENTHOUSES

4902.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

**4903 REAR YARD**

**4903.1** **In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4904 SIDE YARD**

**4904.1** **In the case of a lot proposed to be used by a public school that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.**

**4905 SPECIAL EXCEPTION**

**4905.1** **Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**IX. Proposed Amendments to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES**

The title of § 105, PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, OR PUBLIC LIBRARIES, of Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

**105 PUBLIC ~~EDUCATION BUILDINGS AND STRUCTURES~~ SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, ~~OR AND~~ PUBLIC LIBRARIES**

Section 105, PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES, of Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, including adding new § 105.2, with current § 105.2 renumbered as new subsection 105.3, to read as follows:

**105.1** Public ~~education buildings and structures~~, ~~public~~ recreation and community centers, ~~or and~~ **public** libraries in the PDR zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.

**105.2** **Public schools, in the PDR zones shall be permitted subject to the conditions of Subtitle J, Chapter 49.**

**105.2-105.3** Development standards not otherwise addressed by Subtitle C, Chapter 16 **or Subtitle J, Chapter 49** shall be those development standards for the zone in which the building or structure is proposed.

A new Chapter 49, PUBLIC SCHOOLS, is proposed to be added to read as follows:

**CHAPTER 49 PUBLIC SCHOOLS**

**4900 GENERAL PROVISIONS**

**4900.1 The provisions of this chapter control certain height and bulk of public schools.**

**4901 DEVELOPMENT STANDARDS**

**4901.1 The specific standards of this chapter shall govern public schools; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.**

**4902 PENTHOUSES**

**4902.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.**

**4903 REAR YARD**

**4903.1 In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4904 SIDE YARD**

**4904.1 In the case of a lot proposed to be used by a public school that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.**

**4905 SPECIAL EXCEPTION**

**4905.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**X. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Section 711, PUBLIC EDUCATION BUILDING AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES (RC), of**

Chapter 7, REED-COOKE ZONES - RC-1 THROUGH RC-3, is proposed to be amended, including adding new §§ 711.2 and 711.3, to read as follows:

**711 PUBLIC EDUCATION BUILDING AND STRUCTURES SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES (RC)**

711.1 Public ~~education building and structures~~, public recreation and community centers, and public libraries shall be controlled through the development standards specified in Subtitle C, Chapter 16.

711.2 Public schools shall be controlled through the development standards specified in Subtitle K, Chapter 49.

711.3 Development standards not otherwise addressed in Subtitle C, Chapter 16, or Subtitle K, Chapter 49, shall be those development standards for the zone in which the building or structure is proposed.

A new Chapter 49, PUBLIC SCHOOLS is proposed to be added, to read as follows:

**CHAPTER 49 PUBLIC SCHOOLS**

**4900 GENERAL PROVISIONS**

4900.1 The provisions of this section control certain height and bulk of public schools, public recreation and community centers, and public libraries in the RC-1 through RC-3 zones.

**4901 DEVELOPMENT STANDARDS**

4901.1 The specific standards of this section shall govern public schools, public recreation and community centers, and public libraries; in the absence of specific standards, the development standards for the zone in which the building or structure is proposed shall apply.

**4902 DENSITY**

4902.1 Public schools, public recreation and community centers, and public libraries shall be permitted a maximum floor area ratio as set forth in the following table:

TABLE K § 4902.1: MAXIMUM FLOOR AREA RATIO (FAR) FOR PUBLIC SCHOOLS

<u>Zone</u>	<u>Maximum FAR</u>
<u>RC-1</u>	<u>2.0</u>



<u>Zone</u>	<u>Maximum FAR</u>
<u>RC-2, RC-3</u>	<u>As permitted by zone</u>

**4903 HEIGHT**

**4903.1 The maximum permitted building height, not including the penthouse, shall be as set forth in the following table:**

**TABLE K § 4903.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Height (ft.)</u>	<u>Maximum Number of Stories</u>
<u>RC-1</u>	<u>90</u>	<u>No limit</u>
<u>RC-2, RC-3</u>	<u>As permitted by zone</u>	<u>As permitted by zone</u>

**4904 PENTHOUSES**

**4904.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and to the height and story limitations specified in each zone of this subtitle; provided that public school buildings shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.**

**4905 REAR YARD**

**4905.1 A rear yard shall be provided for each public school the minimum depth of which shall be as set forth in the following table:**

**TABLE K § 4905.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Minimum Rear Yard</u>
<u>RC-1</u>	<u>4 in./ft. of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 ft.</u>
<u>RC-2, RC-3</u>	<u>As permitted by zone</u>

**4905.2 In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

**4906 SIDE YARD**

**4906.1 In the case of a lot proposed to be used by a public school that abuts or adjoins a public open space, recreation area, or reservation on a side lot line, the required side yard shall not be required.**

**4907 LOT OCCUPANCY**

**4907.1 Public schools shall not occupy a lot in excess of the maximum lot occupancy as set forth in the following table:**

**TABLE K § 4907.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS**

<u>Zone</u>	<u>Maximum Lot Occupancy (%)</u>
<u>RC-1</u>	<u>60</u>
<u>RC-2, RC-3</u>	<u>No limit</u>

**4907.2 A public school may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in this section provided the portion of the building, excluding closed court, exceeding the lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories.**

**4908 SPECIAL EXCEPTION**

**4908.1 Exceptions to the development standards of this chapter for public schools shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

**XI. Proposed Amendments to Subtitle U, USE PERMISSIONS**

Paragraph 202.1(m) of § 202, MATTER-OF-RIGHT USES – R USE GROUPS A, B, AND C, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, including adding a new paragraph (n), with current paragraphs (n) through (r) renumbered as new paragraphs (o) through (s), to read as follows:

202.1 The following uses shall be permitted as a matter of right in R-Use Groups A, B, and C subject to any applicable conditions:

(a) Any use permitted as a matter of right in Subtitle U §201;

...

(m) Public ~~education buildings and structures~~, public recreation and community centers, and public libraries subject to the development standards of Subtitle C, Chapter 16;

**(n) Public schools;**

~~(n)~~ (o) Public schools, collocation ...

~~(o)~~ (p) Temporary buildings for construction ...

~~(p)~~ (q) Temporary use of premises ...

~~(q)~~ (r) Mass transit facility; and

~~(r)~~ (s) Reuse of former District of Columbia public schools ...

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-134  
December 23, 2019

**SUBJECT:** Confirmation of Delegation - Authority to the Director of the Department of Housing and Community Development to Implement and Administer Condominium Amendment Act of 1999

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198; D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. This Order confirms the authority of the Director of the Department of Housing and Community Development ("DHCD") who has been delegated all authority vested in the Mayor pursuant to section 316 of the District of Columbia Condominium Act of 1976, effective March 8, 1991 (D.C. Law 8-233; D.C. Official Code § 42-1903.16), since October 1, 2007.
2. This Order further confirms that the Director of DHCD has been delegated the authority to further delegate all or part of the authority described in paragraph 1 of this Order to subordinates under his or her jurisdiction since October 1, 2007.
3. This Order supersedes all previous Mayor's Orders, including Mayor's Order 2002-166, dated September 17, 2002, to the extent of any inconsistency therein.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL BOWSER  
MAYOR

ATTEST:   
KIMBERLY A. BASSETT

SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, JANUARY 8, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson

Members: James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett

- Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00113;** 9th Street Lounge, LLC, t/a Mirror Lounge, 1920 9th Street NW, License #111950, Retailer CT, ANC 1B  
**Application to Renew the License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CC-00119;** 1807 Corporation t/a Dupont Market, 1807 18th Street NW, License #21578, Retailer 2B  
**Sale to Minor Violation, No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CC-00114;** Sushi Para Company, t/a Sushi Para, 4221 Connecticut Ave NW, License #88557, Retailer DR, ANC 3F  
**Sale to Minor Violation**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CIT-00588;** A & H Market, LLC, t/a MLK Mini Market, 3333 Martin Luther King, Jr Ave SE, License #113398, Retailer B, ANC 8C  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CIT-00396;** Barcode Corporation, t/a Barcode, 1101 17th Street NW License #82039, Retailer CT, ANC 2B  
**No ABC Manager on Duty**  
*The Government will be dismissing this case.*
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-AUD-00031;** Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A  
**Failed to Meet Food Sales Requirements**

Board's Calendar  
January 8, 2020

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CIT-00407;** PQ Blaine Mansion, Inc., t/a Le Pain Quotidian, 2001 P Street NW, License #80501, Retailer CR, ANC 2B  
**No ABC Manage on Duty**

**Fact Finding Hearing\*** **10:00 AM**  
**Case # 19-AUD-00096;** HHLP Saint Gregory Lessee, LLC and Tedici DC, LLC, t/a St Gregory Luxury Hotel & Suites and Tredici Enoteca, 2033 M Street NW, License #98868, Retailer CH, ANC 2A  
**Questionable Sales Figures in Quarterly Statements 2018**

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

**Public Hearing\*** **10:30 AM**  
**Proposed Technical Rulemaking**

**Protest Hearing\*** **1:30 PM**  
**Case # 19-PRO-00078;** District Soul Food Restaurant & Lounge, LLC, t/a District Soul Food & Lounge, 500 8th Street SE., License #112072, Retailer CR ANC 6B  
**Application to Renew the License**

**Protest Hearing\*** **4:30 PM**  
**Case # 19-PRO-00083;** Rito Loco, LLC, t/a Rito Loco-El Techo, 606 Florida Ave NW, License #104119, Retailer CR, ANC 6E  
**Application to Renew the License**

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

*\*This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).*

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA

WEDNESDAY, JANUARY 8, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-041370 – **Firehook Bakery** – Retail – C – Restaurant – 3411 Connecticut Avenue NW  
[Licensee requested cancellation.]

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ABRA-060689 - **Capitol Hill Tandoor and Grill** – Retail – C – Restaurant – 419 8th Street SE  
[Licensee did not pay Safekeeping fee within 30 days.]

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ABRA-104866 - **Smokin' Pig** – Retail – C – Tavern – 1123 H Street NE  
[Licensee did not pay Safekeeping fee within 30 days.]

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ABRA-060423 - **Capitol City Wine & Spirits** – Retail – A – Liquor Store – 500 K Street NW  
[Licensee did not pay Safekeeping fee within 30 days.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY JANUARY 8, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, January 8, 2020 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.” “This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).”

1. Case# 19-CC-00145, Present Company, 438 Massachusetts Avenue N.W., Retailer CT, License # ABRA-113496

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2. Case# 19-CMP-00198, Tokyo Pearl, 1301 Connecticut Avenue N.W., Retailer CT, License # ABRA-112100

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3. Case# 19-CMP-00177, DC Shenanigans, 2450 18<sup>th</sup> Street N.W., Retailer CT, License # ABRA-088119

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4. Case# 19-CC-00141, Alta Strada, 465 K Street N.W., Retailer CR, License # ABRA-100140

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6. Case# 19-CC-00147, The Pub and the People, 1648 North Capitol Street N.W., Retailer CT, License # ABRA-094089

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7. Case# 19-251-00144, Lost Society, 2001 14<sup>th</sup> Street N.W., Retailer CT, License # ABRA-

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8. Case# 19-CC-00150, Dixie Liquor, 3429 M Street N.W., Retailer A, License # ABRA-112906

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9. Case# 19-CMP-00203, District Anchor, 1900 M Street N.W., Retailer CN, License # ABRA-100517

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10. Case# 19-CC-00149, Kiss Tavern, 637 T Street N.W., Retailer CT, License # ABRA-104710

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11. Case# 19-CC-00138, Grand Cata, 1550 7<sup>th</sup> Street N.W., Retailer A, License # ABRA-097671

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12. Case# 19-MGR-00015, ABC Manager Patrick Scally, License # ABRA-114533

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13. Case# 19-CC-00137, Sane Wine & Spirits, 1201 5<sup>th</sup> Street N.W., Retailer A, License # ABRA-107464

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14. Case# 19-MGR-00016, ABC Manager Aster Tola, License # ABRA-111080

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15. Case# 19-CC-00143, Henley Park Hotel, 926 Massachusetts Avenue N.W., Retailer CH, License # ABRA-009269

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16. Case# 19-CC-00140, Ottoman Taverna, 425 I Street N.W., Retailer CR, License # ABRA-097651

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17. Case# 19-CC-00151, Towne Wine & Liquor, 1326 Wisconsin Avenue N.W., Retailer A, License # ABRA-093813

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18. Case# 19-CC-00139, Vapiano, 623 H Street N.W., Retailer CR, License # ABRA-076727

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19. Case# 19-CMP-00178, Red Lounge Hookah, 2013 A 14<sup>th</sup> Street N.W., Retailer CT, License # ABRA-076011

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20. Case# 19-251-00156, Le Diplomate 1601 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-088243

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21. Case# 19-251-00163, Gordon Biersch Brewery Restaurant, 100 M Street S.E., Retailer CR, License # ABRA-090968

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22. Case# 19-AUD-00117, Bareburger, 1647 20<sup>th</sup> Street N.W., Retailer CR, License # ABRA-102759

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23. Case# 19-AUD-00120, La Lomita Dos, 308 Pennsylvania Avenue S.E., Retailer CR, License # ABRA-015387

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24. Case# 19-AUD-00119, Churreria Madrid Restaurant, 2505 Champlain Street N.W., Retailer CR, License # ABRA-060806

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25. Case# 19-AUD-00118, Guapo's Restaurant, 4515 Wisconsin Avenue N.W., Retailer CR, License # ABRA-016332

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26. Case# 19-CMP-00187, L8, 727 15<sup>th</sup> Street N.W., Retailer CN, License # ABRA-099695

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27. Case# 19-CC-00136, Kelly's Irish Times, 14 F Street N.W., Retailer CT, License # ABRA-000939

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28. Case# 19-CC-00144, Tiger Fork, 922 RR N Street N.W., Retailer CT, License # ABRA-103195

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29. Case# 19-CMP-00189, Billy Martins Tavern, 1264 Wisconsin Avenue N.W., Retailer CR, License # ABRA-060407

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30. Case# 19-AUD-00125, Parthenon Restaurant & Chevy Chase Lounge, 5510 Connecticut Avenue N.W., Retailer CR, License # ABRA-013995

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31. Case# 19-AUD-00124, New Heights, 2317 Calvert Street N.W., Retailer CR, License # ABRA-009480

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32. Case# 19-AUD-00123, Taqueria Rosticeria Fresca, 701 H Street N.E., Retailer CR, License # ABRA-104296

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33. Case# 19-AUD-00122, Quara Ethiopian Fusion Restaurant, 818 8<sup>th</sup> Street S.E., Retailer CR, License # ABRA-105042

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34. Case# 19-CC-00142, Abakedjoint, 430 K Street N.W., Retailer CR, License # ABRA-097479

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35. Case# 19-CC-00146, Sfoglina Downtown, 1099 New York Avenue N.W., Retailer CR, License # ABRA-091894

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36. Case# 19-CC-00148, Convivial, 801 O Street N.W. Retailer CR, License # ABRA-096296

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37. Case# 19-CC-00153, Downtown Liquors, 3712 14<sup>th</sup> Street N.W., Retailer A, License # ABRA-108146

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38. Case# 19-251-00150, El Rincon, 1826 Columbia Road N.W., Retailer CR, License # ABRA-060003

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39. Case# 19-251-00149, Proper 21, 1319 F Street N.W., Retailer CT, License # ABRA-102933

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40. Case# 19-CC-00152, Trio Rest & Fox & Hounds Lounge, 1537 17<sup>th</sup> Street N.W., Retailer CR, License # ABRA-000168

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41. Case# 19-CMP-00184, The Elroy, 1423 H Street N.E., Retailer CT, License # ABRA-112289

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42. Case# 19-CMP-00185, SIP, 1812 Hamlin Street N.E., Retailer CT, License # ABRA-095164

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, JANUARY 8, 2020 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Application for Class Change from Class C Restaurant to Class C Tavern. ANC 6B. SMD 6B03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Finn McCool's***, 713 8<sup>th</sup> Street SE, Retailer CR, License No. 107078.

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2. Review Request to Expand operations into the adjacent building at 2327 18<sup>th</sup> Street NW. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Columbia Station***, 2325 18<sup>th</sup> Street NW, Retailer CR, License No. 024834.

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3. Review Request to expand the Total Occupancy Load of the establishment from 397 to 579. Seating will remain at 397. The rooftop Summer Garden will increase from a load of 77 to 184. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Eye Bar/Garden of Eden***, 1716 I Street NW, Retailer CN, License No. 083133.

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4. Review Application for Change of Hours inside premises. ***Approved Hours of Operation Inside Premises:*** Sunday-Thursday 8am to 3am, Friday-Saturday 8am to 4am. ***Approved Hours of Alcoholic Beverage Sales and Consumption Inside Premises:*** Sunday 10am to 2am, Monday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ***Proposed Hours of Operation Inside Premises:*** Sunday-Saturday 8am to 3am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption Inside Premises:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Dangerously Delicious DC***, 1339 H Street NE, Retailer CR, License No. 087422.

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5. Review Request to Renew off-site storage permit to store alcohol in the warehouse basement of the licensed premises. ANC 3B. SMD 3B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Wide World of Wines**, 2201 Wisconsin Avenue NW, Retailer A Liquor Store, License No. 096780.
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6. Review Request to update application to include two ground floor Summer Gardens instead of two Sidewalk Cafes. Each Summer Garden will have 75 seats, as originally requested for the Sidewalk Cafes. ANC 6D. SMD 6D07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Thompson Washington DC**, 221 Tingey Street SE, Retailer CH, License No. 114613.
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7. Review Request to add Cover Charge to existing Entertainment Endorsement. ANC 6D. SMD 6D07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Willie's Brew & Que**, 300 Tingey Street SE, Class CT, License No. 108128.
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**\*In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).**

## DC COMMISSION ON THE ARTS AND HUMANITIES

## NOTICE OF FUNDING AVAILABILITY

## FY 2021 General Operating Support Grants

The DC Commission on the Arts and Humanities (CAH) announces the availability of its General Operating Support (GOS) grants for fiscal year 2021. GOS grants are awarded on a competitive basis to arts, humanities, arts education and service organizations that are headquartered in the District of Columbia and whose sole function is to exhibit or present in the arts and humanities or arts education or to provide technical assistance for District artists, arts educators and humanities practitioners. Levels of funding support are determined by organizational budget range and are described in the Request for Applications (RFA) for the program.

CAH provides grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Arts, humanities, arts education and service organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the RFA in order to apply. Applicants must also be registered as a District of Columbia nonprofit business in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES).

All eligible applications are reviewed through a competitive process. Pre-application technical assistance workshops for grant applicants will be provided by CAH. Evaluation criteria, eligibility requirements, and workshop details will be included in the RFA.

**The RFA will be available electronically beginning January 22, 2020 on the CAH website at <http://dcarts.dc.gov/>. Applicants may only apply online. The deadline for applications is February 21, 2020.**

For more information, please contact:

David Markey  
Interim Senior Grants Officer  
DC Commission on the Arts and Humanities  
200 I (EYE) St. SE,  
Washington, DC 20003  
(202)724-5613  
[david.markey@dc.gov](mailto:david.markey@dc.gov)

**DEPARTMENT OF ENERGY AND ENVIRONMENT**  
**DISTRICT OF COLUMBIA GREEN BUILDING ADVISORY COUNCIL**  
**2020 MEETING SCHEDULE**

The regular monthly meetings of the District of Columbia Green Building Advisory Council are held in open session on the **first Wednesday of every other month.**

All meetings are held at Suite 709 at 1200 First Street, N.E. Washington, D.C. A notice will be published in the *D.C. Register* for each meeting with a draft agenda.

The meeting dates for Calendar Year 2020 are:

February 5, 2020	3:00 pm.
April 1, 2020	3:00 pm.
June 3, 2020	3:00 pm.
August 5, 2020	3:00 pm.
October 7, 2020	3:00 pm.
December 2, 2020	3:00 pm.

Inquiries concerning the meeting may be addressed to Kendra Wiley, Program Analyst, at 202.757.5838 or [Kendra.wiley@dc.gov](mailto:Kendra.wiley@dc.gov).

**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**GreenWrench Education Project**

The Department of Energy and Environment “Department” seeks an eligible entity to develop a curriculum expansion of DOEE’s existing GreenWrench Technical Assistance Program (“GreenWrench”). The expanded programming will educate students in technical schools enrolled in programs in the District of Columbia, about pollution prevention and the District’s environmental regulations so they can apply this knowledge and skills to their future careers as mechanics. The amount available for the project is up to \$45,600.

Beginning 01/3/2020, the full text of the Request for Applications (RFA) will be available on the Department’s website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department’s website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [GWE@dc.gov](mailto:GWE@dc.gov) with “Request copy of RFA 2020-2005-WPD” in the subject line.

**Pick up a copy in person** from the Department’s reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Mary Polacek at (202) 645-4231 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Mary Polacek RE:2020-2005-WPD” on the outside of the envelope.

DOEE will host two public information sessions. Details can be found by following the instructions above on how to download the RFA.

**The deadline for application submissions is 2/03/2020, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [GWE@dc.gov](mailto:GWE@dc.gov).

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

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

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

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**DISTRICT OF COLUMBIA**  
**DEPARTMENT OF HEALTH CARE FINANCE**  
**HEALTH INFORMATION EXCHANGE POLICY BOARD**  
**NOTICE OF 2020 MEETING SCHEDULE**

The regular quarterly meetings of the DC Health Information Exchange Policy Board are held in open session in the months of January, April, July, and October. The following are dates and times for the regular quarterly meetings to be held in 2020. All meetings are held in the Main Street Conference Room (1028N - 10<sup>th</sup> floor) at 441 4th Street, NW unless otherwise indicated. Notice of a location of a meeting other than 441 4th Street, NW Room 1028N will be published on the DC HIE Policy Board's website (<https://dhcf.dc.gov/page/hie-policy-board>). A copy of the final agenda will be posted on the DC HIE Policy Board's website two business days prior to the meeting date, and notice of the meeting will be posted on the 10<sup>th</sup> floor of the 441 4<sup>th</sup> Street building the day of the meeting.

**HIE Policy Board Meeting – January 2020**

When: Wednesday, January 22, 3:00 – 5:00 PM  
Where: DHCF 441 4th Street, NW Room 1028N

**HIE Policy Board Meeting – April 2020**

When: Thursday, April 23, 3:00 – 5:00 PM  
Where: DHCF 441 4th Street, NW Room 1028N

**HIE Policy Board Meeting – July 2020**

When: Thursday, July 23, 3:00 – 5:00 PM  
Where: DHCF 441 4th Street, NW Room 1028N

**HIE Policy Board Meeting – October 2020**

When: Thursday, October 15, 3:00 – 5:00 PM  
Where: DHCF 441 4th Street, NW Room 1028N

**For more information, please contact:**

Nina Jolani at [Nina.Jolani@dc.gov](mailto:Nina.Jolani@dc.gov) or 202-478-1470

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH CARE FINANCE**

**NOTICE OF FUNDING AVAILABILITY**

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) to design, develop and implement consent management solution to support health information exchange among entities participating in the District of Columbia Health Information Exchange (DC HIE). Funding for this grant opportunity is from the Centers for Medicare and Medicaid Services Supporting Provider Capacity to Deliver High Quality Substance Use Treatment and Recovery Services in the District of Columbia. The Director of DHCF has authority to issue grants under the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code 7-771.05(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunity will be released under a separate announcement with guidelines for submitting the application, review criteria, and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for this grant is from March 1, 2020 to February 28, 2021.

***Description of Opportunity:***

Consent Management for HIE: One (1) grant of \$1,000,000 will be awarded to one (1) qualified applicant to design, develop, and implement a granular consent management solution to enable the exchange of substance use disorder (SUD) data protected by 42 CFR Part 2 among organizations participating in the DC HIE.

Exchanging SUD data among organizations participating in the DC HIE will support the District's effort to transform the behavioral health system in integrating physical and behavioral health information. However, privacy-preserving health information exchange is only possible through a robust consent management process.

The goal of this effort supports DHCF's strategic priority to build a health system that provides whole person care, which requires that Medicaid beneficiaries have the option to control the flow of their health information.

The consent management solution should allow entities participating in the DC HIE to provide person-centered care for Medicaid beneficiaries by supporting the ability to: create, manage, sign and revoke 42 CFR Part 2 compliant consent; allow local and centralized opt-out; enable identity management and verification; facilitate clinical documents (CCD/C-CDA) and Fast Healthcare Interoperability Resources (FHIR) data segmentation based on consent preferences; support leading interoperability standards; enable the patient or provider to consent on behalf of patient; and notify the patient regarding consent selections.

The applicant shall also provide tailored technical assistance, training, and implementation support so that HIE participants can adopt the consent management tools during the grant period.

***Eligibility Requirements:***

Each eligible applicant must meet the following qualifications:

1. Be organized under the District of Columbia Non-Profit Corporation Act (D.C. Official Code, sec. 29-501 *et seq*) or organized as a Non-Profit organization in the jurisdiction where the entity is incorporated.
2. Have the authority to enter into an agreement with DHCF and be in compliance with applicable District of Columbia laws and regulations.
3. Be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.
4. Be an HIE entity; defined as a unit that creates or maintains an infrastructure that provides organizational and technical capabilities in an interoperable system to enable the secure, electronic exchange of health-related information among participating organizations not under common ownership.
5. Be an HIE entity participating in the DC Health Information Exchange operating in the District of Columbia.

**An RFA will be released on or around January 31, 2020. The application package will be available online at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and the DHCF website (<https://dhcf.dc.gov/page/dhcf-grant-opportunities>). Hard copies of the application package may be obtained at DHCF, 441 4<sup>th</sup> St. N.W., Ste 900S, Washington, D.C. 20001, 9<sup>th</sup> floor reception desk daily from 9:00 am until 4:00 pm.**

DHCF will hold a pre-proposal conference on Wednesday, February 5, 2020 at 3:00 PM at 441 4<sup>th</sup> Street NW, 10<sup>th</sup> Floor, Main Street Room 1028, Washington, DC, 20001. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

**Completed applications must be received on or before 4:00 P.M. on March 2, 2020. Applications must be submitted in hard copy and in-person at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9<sup>th</sup> floor reception desk. No applications will be accepted after the submission deadline. All eligible applications will be reviewed through a competitive process.**

For additional information regarding this NOFA, please contact Deniz Soyer, Project Manager, DHCF, Health Care Reform and Innovation Administration at [deniz.soyer@dc.gov](mailto:deniz.soyer@dc.gov) or at 202-442-4625.

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

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after February 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 3, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 1, 2020  
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Allen	Jacqueline Ann	Law Office of Vanessa Carpenter Lourie, P.C. 4400 Macarthur Boulevard, NW, Suite 205	20007
Alula	M. Claudine	Department of Insurance, Securities and Banking 1050 First Street, NE, Suite 801	20002
Anderson	Angel	Milbank 1850 K Street, NW, Suite 1100	20006
Applegate	Alexis E.	DC Office of Human Rights 441 4th Street, NE, Suite 570N	20001
Ashford	Molly	Brandes & Cassagnol Engineers, PC 5520 Connecticut Avenue, NW, Suite LL4	20015
Ayandipo	Abayomi A.	Milbank 1850 K Street Street, NW, Suite 1100	20006
Barnes	Rhayda L.	Self (Dual) 2403 Savannah Street, SE	20020
Bell	Vernice J.	Kriegsfeld Corporation 2905 Pomeroy Road, SE, Suite 102	20020
Bentler	Elizabeth Joan	Republican National Committee 310 First Street, SE	20003
Bradley	Beth Hara	The Flats at Union Row 2125 14th Street, NW	20009
Brooks	Manisha	Paul Public Charter School 5800 8th Street, NW	20011
Brown	April Renee	Self (Dual) 1414 V Street, NW, #202	20009
Carter-Atkinson	Carla	Self 3012 Channing Street, NE	20018

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 1, 2020  
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Chatman	Sharon Ann	Fannie Mae 1100 15th Street, NW	20005
Covington	Christina L	Mathematical Association of America 1529 Eighteenth Street, NW	20036
Davidson	Lillian Rebecca	Association Management Strategies, Inc. 1800 M Street, NW, 400S	20036
Davies	Colin James	Self 3833 Garfield Street, NW	20007
Dentel	Annette Kim	Solar United Neighbors 1350 Connecticut Avenue, NW, Suite 412	20036
DiStasio	Paula	Marriott Vacation Club 1130 Connecticut Avenue, NW, Suite 700	20036
Dodds	Christopher	Council of Independent Colleges 1 Dupont Circle, NW, Suite 320	20036
Dominguez	Margaret Hannigan	Miriams Kitchen 2401 Virginia Avenue, NW	20037
Drake	Jessica S.	Self 1329 Q Street, NW	20009
Eason Parker	Bernice	Suntrust Bank 5000 Connecticut Avenue, NW	20008
Evangelista	Teresa M.	Bank Fund Staff Federal Credit Union 1725 Eye Street, NW, Suite 400	20006
Fearrington	Kasi	GeoCapitol Engineering, LLC 4545 42nd Street, NW, Suite 307	20016
Gatling	Vivian	The Law Office of Charles Canty 1025 Connecticut Avenue, NW, Suite 1012	20036

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 1, 2020  
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Green	Darrell L.	Wells Fargo Bank N.A. 3200 Pennsylvania Avenue, SE	20020
Greenwald	Kisha Christina	Self (Dual) 855 20th Street, NE, # 7	20002
Guest	Christopher M.	Law Office of Christopher M. Guest, PLLC 1101 Connecticut Avenue, NW, Suite 450	20036
Guihon	Donna	Seward & Kissel, LLP 901 K Street, NW, Suite 800	20001
Hardy	Grace C.	Self 1401 17th Street, NW, #310	20036
Hardy	Grace C.	Self 1401 17th Street, NW, #310	20036
Harris	Michelle Theresa	Self (Dual) 526 Oglethorpe Street, NE	20011
Hart	Lucille E.	Department of Human Services 64 New York Avenue, NE, Suite 625	20002
Hemme	Olivia J.	Self (Dual) 1018 Florida Avenue, NE, #201	20002
Jimenez	Diana	Chase Bank 501 H Street, NE	20002
Jones	Natalia	Two Rivers Public Charter School 1227 4th Street, NE	20002
Jura	Desirae S.	Alderson Reporting 1111 14th Street, NW, Suite 1050	20005
Kent	Caitlyn Marie	Supreme Council 1733 Sixteenth Street, NW	20009
Kurwitz	Megan	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 1, 2020  
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Leake	Yolanda	Self 722 51st Street, SE	20019
Lewis	Tonya Denise	Dolcezza Gelato Holding, LLC 550 Penn Street, NE, Suite 1	20002
Lorete	Jamie	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Lucas	QuWanda	Jack and Jill of America Foundation 1930 17th Street, NW	20009
Macias	Luis Gerardo	PNC Bank 1100 25th Street, NW	20037
Marbley	Delphine	The Voter Participation Center 1707 L Street, NW, Suite 950	20036
Marbury	Penny A	Self (Dual) 713 15th Street, NE	20002
May	Reginald Laurence	Self 1244 Half Street, SW	20024
McGlone	Saoirse Meabh	Arnold & Porter 601 Massachusetts Avenue, NW	20001
McWilliams	Laura	Self (Dual) 440 21st Street, NE, # 1	20002
Merritt	Tanetta N.	Self (Dual) 4612 6th Street, SE	20032
Mory Rodriguez	Maria Teresa	Miller and Long, DC 4001 Brandywine Street, NW, Suite 400	20016
Murillo	Melvin	Chase Bank 4445 Wisconsin Avenue, NW	20016
Odom	Sean	St. Coletta of Greater Washington, Inc.	



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

Effective: February 1, 2020  
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		1901 Independence Avenue, SE	20003
Parker	Gregory Alan	Justice Federal Credit Union 935 Pennsylvania Avenue, NW	20535
Parker	Tabitha Lynn	Emerging Capital Partners 1909 K Street, NW, Suite 340	20006
Pool	Stuart C.	Supreme Council 33° 1733 16th Street, NW	20009
Porter	Patricia	Self 4008 Pennsylvania Avenue, SE	20020
Proctor	Enrico Monte	ATF 99 New York Avenue, NE, Suite 5.E-314	20226
Royal	Priya Prakash	Royal Law Firm, PLLC 1200 G Street, NW, Suite 800	20005
Rutter, IV	Carroll A.	Lincoln Property Company 1030 15th Street, NW, Suite 250W	20005
Shames	Rebecca Anne	Hogan Lovells 555 13th Street, NW	20004
Shults	Daniel	White & Case, LLP 701 Thirteenth Street, NW	20005
Smart	Mary Lou	Armstrong, Fleming & Moore 1800 M Street, NW, Suite 1010-S	20036
Stamm	David Michael	Self (Dual) 626 Independence Avenue, SE, #301	20003
Stewart	Karen D.	Agriculture Federal Credit Union 1400 Independence Avenue, SW, Room SM2	20250
Tian	Dajie	Oasis International Travel Corporation	

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 1, 2020  
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		2201 Wisconsin Avenue, NW, Suite 333	20007
Tolson	Crystal	Supreme Council 1733 16th Street, NW	20009
Watson	Andrea Renee	Lincoln Property Company 950 F Street, NW	20004
Webb	Kimberly M.	Office of Administrative Hearings 441 4th Street, NW	20001
Weston	Lysandra	UnidosUS 1126 16th Street, NW, Suite 600	20036
Wright	Daniel	SUNTRUST BANK 5000 Connecticut Avenue, NW	20008
Younger	Natalie	BoardSource 750 9th Street, NW, Suite 650	20001

**WASHINGTON CONVENTION AND SPORTS AUTHORITY T/A EVENTS DC****REQUESTS FOR PROPOSALS****CULTURAL INSTITUTIONS GRANT PROGRAM**

The Washington Convention and Sports Authority t/a Events DC (“Events DC” or “Authority”) is seeking proposals from qualified organizations for its Fiscal Year 2020 Cultural Institutions Grant Program.

The Events DC Cultural Institutions Grant Program is a competitive grant program that offers financial assistance to qualified non-profit Cultural Institutions based in the District of Columbia that engage in the conservation, interpretation, and dissemination of cultural and artistic knowledge and offer and promote activities meant to inform, educate and attract residents and visitors alike to the District of Columbia.

“Cultural Institution” is defined as a non-profit organization that supports or promotes the arts, including a museum or theater, incorporated under the laws of the District. D.C. Code § 10-1202.01(3A). Traditional examples of Cultural Institutions include museums, libraries, art galleries, studios, theaters, and performing arts associations or societies.

**Eligibility Requirements**

To qualify for an Events DC Cultural Institutions Grant, an organization must meet the following minimum requirements:

1. Applicant is a Cultural Institution as defined above;
2. Applicant is incorporated in the District of Columbia;
3. Organization is incorporated as a nonprofit with a federally designated tax-exempt status under section 501(c)(3) of the United States Internal Revenue Code; and
4. Organization is registered to do business in the District of Columbia and is in compliance with the following agencies:
  - District of Columbia Department of Consumer and Regulatory Affairs (DCRA) – Corporations Division; and
  - District of Columbia Office of the Chief Financial Officer, Office of Tax and Revenue (OTR).

**Eligible Projects and Programs**

Events DC will consider proposals from Cultural Institutions for two types of Projects/Programs: (1) new or existing **Capital Projects** related to land and/or facilities located in the District of Columbia; and (2) art or cultural **Exhibitions and Installations**.

**Grant Award Amounts**

Events DC has up to Ten Million Dollars (\$10,000,000) available for grant awards and anticipates awarding multiple grants. Awards for Capital Projects will start at a minimum of \$100,000 per Project. Awards for Exhibitions and Installations will range from a minimum of \$100,000 to a maximum of \$500,000 per Project/Program.

**Key Dates**

RFP Release Date: December 23, 2019

Pre-response conferences: January 16, 2020 at 6:00 PM EST  
January 17, 2020 at 9:00 AM EST

RFP Proposals Due: **3:00 PM EST on February 7, 2020**

Date of Grant Awards: on or before April 10, 2020

**Additional Information**

To view a copy of the RFP and for additional information on eligibility and submission requirements please visit Events DC's e-procurement website, [www.wcsapex.com](http://www.wcsapex.com), and refer to **APEX Bid No. 20-S-003-628**. For questions regarding this Notice please contact Erin Oliver, Director of Contracts & Procurement Services at [eoliver@eventsdc.com](mailto:eoliver@eventsdc.com).

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

## Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, January 16, 2020 at 9:30 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).

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.  | AWTP Status Updates           | Vice-President, Wastewater Ops                                     |
|     | 1. BPAWTP Performance         |  |
| 3.  | Status Updates                | Senior VP  |
| 4.  | Project Status Updates        | Director, Engineering & Technical Services                         |
| 5.  | Action Items                  | Senior VP  |
|     | - Joint Use                   |  |
|     | - Non-Joint Use               |  |
| 6.  | Water Quality Monitoring      | Senior Director, Water Ops   |
| 7.  | Action Items                  | Senior VP<br>Senior Director, Water Ops<br>Director, Customer Care |
| 8.  | Emerging Items/Other Business |  |
| 9.  | Executive Session             |  |
| 10. | Adjournment                   | Committee Chairperson  |

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

**Application No. 19943-A of The Mills Building Associates, LLC**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved by BZA Order No. 19943 to permit adjustments to the interior layout of the building, setbacks, and massing of the proposed penthouse in an existing mixed-use building in the D-5/D-6 Zones at premises 1700 Pennsylvania Avenue N.W. (Square 168, Lot 50).

<b>HEARING DATES</b> (19943):	March 13, 2019 and April 10, 2019
<b>DECISION DATE</b> (19943):	April 10, 2019
<b>ORDER ISSUANCE DATE</b> (19943):	April 17, 2019
<b>MODIFICATION OF CONSEQUENCE DECISION DATE</b> (19943-A):	December 18, 2019

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE**

Original Application. In Application No. 19943, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by The Mills Building Associates, LLC (the “Applicant”) for area variances from the loading requirements of Subtitle C § 901.1, and from the habitable penthouse regulations of Subtitle C § 1500.3(d) to renovate and construct additions to an existing office building. The Board issued Order No. 19943 on April 17, 2019. (Exhibit 3A.) The approval was subject to one condition.

Proposed Modification. On October 22, 2019, the Applicant submitted a request for minor modification to Order No. 19943. (Exhibits 1-3D.) The Applicant proposes to modify the interior layout of the ground floor and the layout, setbacks, and massing of the proposed penthouse. The proposed modifications incorporate the feedback received by the Applicant from Commission of Fine Arts staff. The Applicant submitted revised plans reflecting these modifications. (Exhibit 4A.)

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9, the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 3.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 2A.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on November 20, 2019, at which a quorum was present, the ANC voted 8-0-0 to support the request. (Exhibit 6.)

OP Report. The Office of Planning (“OP”) submitted a report recommending approval of the proposed modification but found that the request should be considered as a modification of consequence because “the proposal is to redesign and relocate architectural elements and open spaces from the final design approved by the Board.” (Exhibit 5.)

DDOT Report. The District Department of Transportation did not submit a report in response to this request for modification.

### **Request for Modification of Consequence**

The Applicant sought a minor modification under Subtitle Y § 703.4 to modify the approved plans to adjust the interior layout of the building, setbacks, and massing of the proposed penthouse in an existing mixed-use building in the D-5/D-6 Zones at premises 1700 Pennsylvania Avenue N.W. (Square 168, Lot 50).

The Board concurs with OP and determines that the Applicant’s request instead meets the definition of a modification of consequence in Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.”

Nonetheless, based upon the record, the Board concludes that the Application has met the procedural requirements for a modification of consequence and that the Applicant has met its burden of proof for a modification of consequence as directed by Subtitle Y § 703.4.

#### “Great Weight” to the Recommendations of OP

The Board is required to 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 Y § 405.8). The Board finds OP’s recommendation that the Board approve the request as a modification of consequence persuasive and concurs in that judgment.

#### “Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC 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 Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the application persuasive and concurs in that judgment.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 19943 is hereby **GRANTED**, subject to the approved plans at Exhibit 3B of Application No. 19943,

**BZA APPLICATION NO. 19943-A  
PAGE NO. 2**

as modified by Exhibit 4A of Application No. 19943-A, and the following condition, as carried forward from BZA Order No. 19943:

1. The Applicant shall implement the Loading Management Plan provided in Exhibit 24 of the record for Application No. 19943 with the addition of the following language:
  - a. A flagger shall be present whenever a vehicle is entering or exiting the loading dock. This flagger will alert pedestrians, bicyclists, and other vehicles to trucks that may be entering or exiting the facilities.

In all other respects, Order No. 19943 remains unchanged.

**VOTE: 3-0-2** (Frederick L. Hill, Carlton E. Hart, Lorna L. John to APPROVE; Anthony J. Hood, and Lesylleé M. White not participating.)

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

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

**FINAL DATE OF ORDER:** December 19, 2019

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



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

**Application No. 20061 of MDP 1353 Wisconsin LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the floor area ratio requirements of Subtitle G § 402.2, to renovate existing commercial retail space and to convert the existing residential units into office space in the MU-4 Zone at premises 1353-1355 Wisconsin Avenue, N.W. (Square 1243, Lot 812).

**HEARING DATES:** July 17 and October 2, 2019  
**DECISION DATES:** October 9 and 30, 2019

**DECISION AND ORDER**

MDP 1353 Wisconsin LLC (the “**Applicant**”) filed an application (the “**Application**”) with the Board of Zoning Adjustment (the “**Board**”) on May 7, 2019 requesting the following relief from the requirements of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified):

- variance from the floor area ratio (“**FAR**”) requirements of Subtitle G § 402.2 to renovate existing ground floor commercial retail space and to convert the existing residential units on the second and third floor into office space in the MU-4 Zone at on Lot 812 in Square 1243 with an address of 1353-1355 Wisconsin Avenue, N.W. (the “**Property**”). For the reasons explained below, the Board voted to **APPROVE** the Application.

**FINDINGS OF FACT**

**Notice**

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the July 17, 2019 hearing by a May 31, 2019 letter to:
  - the Applicant;
  - Advisory Neighborhood Commission (“**ANC**”) 2E, the “affected ANC” per Subtitle Y § 101.8;
  - the single-member district ANC 2E03;
  - the Office of ANCs;
  - the Office of Planning (“**OP**”);
  - the District Department of Transportation (“**DDOT**”);
  - the Commission of Fine Arts;
  - the Councilmember for Ward 2;
  - the Chairman of the Council;
  - the At-Large Councilmembers; and
  - the owners of all property within 200 feet of the Property.

2. OZ also published notice of the July 17, 2019 public hearing in the *D.C. Register* on May 31, 2019 (66 DCR 6613) as well as through the calendar on OZ's website.

### Parties

3. The Applicant and ANC 2E were automatically parties in this proceeding per Subtitle Y § 403.5. The Board received no other requests for party status.

### The Property

4. The Property is rectangular shaped and consists of approximately 4,166 square feet of land area. (Exhibit ["Ex."] 7.)
5. The Property is located in Square 1243, which is bounded by Wisconsin Avenue, N.W. to the west, O Street, N.W. to the north, 31st Street, N.W. to the east, and Dumbarton Street, N.W. to the south. (Ex. 7.)
6. The Property is currently improved with two buildings with a combined gross floor area of 7,790 square feet (the "**Existing Buildings**").<sup>1</sup> There is approximately 4,600 square feet of retail space on the ground floor and part of the second floor. Four vacant residential units occupy approximately 960 square feet on the remainder of the second floor, and two additional vacant residential units occupy approximately 1,114 square feet on the third floor. The third floor also includes approximately 1,117 square feet of vacant, unprogrammed space. To the rear of the Property is a former carriage house structure which has partially collapsed. (Ex. 5 and 7.)
7. The Existing Buildings are each approximately 15 feet wide and 65 feet deep. (Ex. 7.)
8. The Existing Buildings currently have a Floor Area Ratio ("**FAR**") of approximately 1.87 with 1.07 FAR of residential use and 0.80 FAR of commercial use. (Ex. 7.)
9. The Existing Buildings were constructed separately in 1888 and are separated by a historic load bearing party wall. However, the building façade is designed to appear as a single building. (Ex. 5 and 52B.)
10. The Existing Buildings are located midblock and are built "lot line to lot line" with the adjacent properties to the north and south, with no courts or "doglegs" between the properties. Instead of doglegs or courts, the Existing Buildings include one rooftop skylight above the interior stairs in the middle of each building that allows light into the interior of the buildings. (Ex. 11 and 52.)

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<sup>1</sup> The square footage areas of the different floors are based on the combined areas of the two existing buildings as the Applicant intends to combine them into a single building.

11. The Property is located within the Georgetown Historic District and the Existing Buildings are considered contributing structures in the Historic District. As such they are subject to review by the Commission of Fine Arts (“CFA”). (Ex. 7.)
12. The surrounding area consists mainly of two- and three-story commercial buildings with a mix of retail and office uses. (Ex. 7.)
13. The property is currently zoned MU-4. Subtitle G § 400.3 states that the purpose and intent of the MU-4 Zone is to:
  - a) Permit moderate-density mixed-use development;
  - b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
  - c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.

### **The Application**

14. The Application proposed to renovate the interior of the Existing Buildings to create a single building by internal connections and to convert the existing vacant residential units and unprogrammed third floor space into office space (the “Project”). (Ex. 5 and 7.)
15. The Application received Concept Application approval from the CFA on June 20, 2019. The Application noted that the Project was not expected to require Historic Preservation Board (“HPRB”) review but that Historic Preservation Office (“HPO”) staff had reviewed the plans and provided favorable comments to the Applicant. (Ex. 7 and 52B.)
16. The Application stated that the Project will meet the MU-4 development standards for height, lot occupancy, rear and side yards, and parking. (Ex. 3.)
17. The Application stated that the Project would provide 1.87 FAR of entirely non-residential uses across all three floors. (Ex. 7.)
18. Pursuant to Subtitle G § 402.2, a maximum of 2.0 non-residential FAR is permitted in the MU-4 but is restricted to the ground/first and second stories.

### **Zoning Relief**

19. The Application requested a variance from Subtitle G § 402.2’s location limits on non-residential FAR to allow approximately 0.37 of non-residential FAR (approximately 1,589 square feet) on the third story. (Ex. 3 and 7.)
20. The Application cited to a “confluence of factors” affecting the Property as the basis for its request. (Ex. 52.) These factors include:
  - a) The need to preserve the internal structural fabric of the historic “twin building”;
  - b) The small floor plates of the Existing Buildings;

- c) The configuration of the Existing Buildings which limits the amount of natural light available to the third floor;
- d) The need to provide duplicative cores, stairs, and hallways if residential use was to be provided on the third floor;
- e) The long-term vacancy of the existing residential units; and
- f) The challenges and expense of restoring the Existing Structure given its historic elements and dilapidated state.

**OP Report**

- 21. OP submitted a report dated July 5, 2019 recommending denial of the variance relief requested. (the “**OP Report**,” Ex. 36.)
- 22. The OP Report asserted that the Applicant’s “submissions do not address the viability of the use of the entire second floor for residential purposes, which would be consistent with the intent of the zone and the FAR regulations.”
- 23. The OP Report asserted that the Applicant’s primary arguments for the requested variance had been based on marketability concerns, namely limitations on the size of the proposed office uses based on the size of the Existing Buildings, and the need to provide a secondary means of egress and additional circulation space if residential space were to be provided.
- 24. The OP Report therefore concluded that the Applicant “has not identified an exceptional situation resulting in a practical difficulty that demonstrates the need to provide a nonresidential use on the third floor.”
- 25. With regard to the Application’s impact on the public good and the Zoning Regulations, the OP Report concluded that the proposed conversion of residential units to office use is contrary to the District’s broader needs for more housing and contrary to the intent of the MU-4 regulations adopted by the Zoning Commission that only permit additional non-residential density on small lots on the ground/first and second floors only.

**DDOT Report**

- 26. DDOT submitted a report indicating that while the project might result in minor impacts to the localized transportation network and on-street parking availability, it had no objection to the application. (Ex. 35.)

**ANC Report**

- 27. ANC 2E submitted a written report (the “**ANC Report**,” Ex. 45) stating that at a duly noticed and scheduled public meeting on July 1, 2019, at which a quorum was present, the ANC voted to support the Application.
- 28. The ANC Report stated that it believed that the Applicant had met its burden to demonstrate that the Property was affected by a number of factors resulting in a unique

condition affecting the Property. Specifically, the ANC Report noted the small building floor plates, the historic elements of the buildings and the dilapidated, long vacant residential units. (Ex. 45.)

29. The ANC Report also noted its desire to see the development of more commercial uses, including office space, in this area of Wisconsin Avenue. The ANC Report noted the high number of existing vacant buildings in this area and the ANC's belief that the Project would "stimulate additional daytime foot traffic along the corridor." (Ex. 45.)

#### **Persons in Support**

30. The Board received eight letters in support of the application, including letters from Georgetown Main Street, the Georgetown Business Association, and the Citizens Association of Georgetown. (Ex. 32, 33, 37-41, and 47.)

#### **Persons in Opposition**

31. The Board received no letters or testimony in opposition to the Application.

#### **Public Hearing of July 17, 2019**

32. At the July 17, 2019 public hearing, the Applicant presented testimony from its architect, John Linman, as to how the Property met the requirements for the requested area variance. Mr. Linman focused his testimony on the limitations imposed on the design by the existing historic structure. (BZA Public Hearing Transcript of July 17, 2019 ("July 17 Tr.") at 119-22.)
33. Mr. Linman also noted that HPO staff have increasingly sought to preserve not only the exterior of historic buildings, but also the interior structural elements which contribute to the "historic fabric" of the building and "allow the building to continue to tell the story of how it (the building) has changed over time". Mr. Linman's comments were directed primarily to the existing, load-bearing party wall. (July 17 Tr. at 122-23.)
34. In response to questions from the Board about the feasibility of providing courts to allow more light to the third floor, Mr. Linman testified that the Applicant was constrained by zoning, historic, and building code requirements from creating new court openings. Mr. Linman also noted that the placement of mechanical equipment on the roof would limit that ability to provide skylights. (July 17 Tr. at 124-26.)
35. OP testified in opposition to the Application and reiterated the findings of the OP Report. OP did note that the Applicant's testimony regarding the historic preservation concerns and the limited ability to provide skylights were issues that OP had not fully considered in its report and noted that OP did not have enough information to comment on those issues. (July 17 Tr. at 138-40.)
36. The Board elected to continue the hearing until October 2, 2019 and requested that the Applicant submit (Ex. 51):

- a) A breakdown of the “confluence of factors” affecting the property;
- b) Additional plans/alternative interior configurations;
- c) A further economic analysis; and
- d) Plans showing potential skylights/HVAC units.

### Post-Hearing Submissions

37. On September 18, 2019, in response to the Board’s requests, the Applicant submitted (Ex. 52, 52A-F):
- a) A supplemental statement further explaining how the Applicant met the “confluence of factors” test;
  - b) Correspondence with HPO regarding the preservation of interior historic elements;
  - c) A memorandum regarding historic preservation issues;
  - d) A skylight study;
  - e) A study of alternative interior configurations;
  - f) An efficiency analysis; and
  - g) A financial analysis for the third-floor residential space.

### OP Supplemental Report

38. OP submitted a supplemental report dated September 25, 2019 in which it responded to additional arguments made by the Applicant and continued to recommend denial of the relief requested. (the “**OP Supplemental Report**,” Ex. 53.)
39. The OP Supplemental Report acknowledged the small size of the existing building and noted “that the provision of residential units may not be as easy as a conversion of the space to non-residential use,” but disagreed that this situation “rises to the level of a practical difficulty which would undermine the intent and the wording of the zoning regulations for this zone.” (Ex. 53.)

### Continued Public Hearing of October 2, 2019

40. At the October 2, 2019 continued public hearing, the Applicant presented testimony in response to the specific questions raised by the Board at the July 17, 2019 hearing, including a further explanation of the confluence of factors affecting the property. (BZA Public Hearing Transcript for October 2, 2019 (“**October 2 Tr.**”) at 68-69.)
41. The Applicant supported its argument that the Application established an exceptional condition of the Property on the basis of the confluence of the following factors (October 2 Tr. at 69-71):
- a) The historic architectural elements of the buildings, primarily the loadbearing wall between the two buildings;
  - b) The small floor plates;
  - c) The configuration of the existing buildings, specifically the limited number of windows and the difficulty in locating skylights on the roof;

- d) The infrastructure requirements to service residential uses, in addition to the proposed office and retail uses; and
  - e) The long-term vacancy, and severe state of disrepair of the existing residential units.
42. The Applicant rebutted the assertion of the OP Supplemental Report that additional design alternatives existed that would allow for sufficient residential units by stating that the Applicant's architect had explored various different building layouts but had concluded that residential units could only be provided with a severe loss to overall building efficiency. (October 2 Tr. at 82-84.)
43. In response to questions from the Board, the Applicant confirmed that the proposed penetrations of the party wall were limited to three sections of a maximum of eight feet (for a total of 27 feet) per floor. The Applicant also noted that the final size and location of these opening would be further restricted by structural design considerations. (October 2 Tr. at 88-89.)
44. OP testified and reiterated its opposition to the Application. (October 2 Tr. at 98-100.)
45. ANC 2E Chair Rick Murphy testified in support of the application as the ANC's designated representative. (October 2 Tr. at 104-107.)

### CONCLUSIONS OF LAW

#### Variance Relief

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(3) (2018 Repl.); *see also* Subtitle X § 1002.1) authorizes the Board to grant an area variance where it finds that four conditions exist:
- a) The property is affected by exceptional size, shape, or topography or other extraordinary or exceptional situation or condition;
  - b) The owner would encounter practical difficulties if the Zoning Regulations were strictly applied;
  - c) The variance would not cause substantial detriment to the public good; and
  - d) The variance would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.
- See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting Roumel v. District of Columbia Board of Zoning Adjustment, 417 A.2d 405, 408 (D.C. 1980)); see also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987).*
2. The Application's requests for relief from the FAR location requirements qualifies as an area variance because it is a requirement "that affects the size, location, and placement of buildings and other structures ...". (Subtitle X § 1001.3(a).) An applicant for an area variance must prove that an extraordinary condition of the property would result in "peculiar and exceptional practical difficulties" by demonstrating first that

compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. (*Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990); Subtitle X § 1002.1(a).)

3. “The ‘exceptional condition’ requirement may be satisfied by a characteristic of the land, see *Fleischman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561 (D.C. 2011); ‘(a) condition inherent in the structures built upon the land,’ *Capitol Hill Restoration Soc’y, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); or prior zoning actions regarding the property.” *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097–98, 1100 (D.C. 1979). “The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property.” *Metropole Condo. Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082–83 (D.C. 2016).” *Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment*, 148 A.3d 1211, 1217 (D.C. 2016).

### **Exceptional Condition**

4. The Board concludes that the Property was affected by an exceptional condition created by a “confluence of factors” including, the historic character of the existing structures and the associated historic preservation requirements, structural design concerns, the small floor plates, and the lack of any doglegs or courts to provide light to the upper floors. (October 30, 2019 Public Meeting Transcript (“**October 30 Tr.**”) at 8-9; Finding of Fact (“**FF**”) 45.)
5. Regarding the historic elements of the building, the Board notes that being designated as a historic building was not sufficient on its own to create an “exceptional condition”. However, in this case, the Board found that a number of historic concerns affecting the Existing Building, including the historic party wall, and the limitations on the placement of skylights and rooftop HVAC units, significantly limited the Applicant’s ability to alter and “expand upon” the existing structures. (October 30 Tr. at 8-9 and 12-13.)
6. The Board credits the Applicant’s testimony that both the CFA and HPRB have increasingly considered and sought to preserve internal elements of historic buildings as part of the overall “historic fabric” of the structure. The Board noted therefore, that the Applicant could only remove limited sections of the historic party wall due to both historic and structural concerns. (October 30 Tr. at 13; FF 32 and 42.)
7. The Board also concludes that the limitations imposed by the historic elements are further exacerbated by the small floor plates of the Existing Buildings. The Board finds that taken together, the inability to expand the building, and to fully open up the interior through the demolition of the party wall, limits the Applicant’s ability to provide an efficient internal building layout. (October 30 Tr. at 12-14; FF 6, 7, 10, 41-42.)



8. The Board also notes that concerns regarding the preservation of historic sightlines, combined with the small size of the Existing Building, restricted the Applicant's ability to install HVAC Units and skylights on the roof. (October 2 Tr. at 74-75.)
9. The Board also notes that unlike many similar row buildings, the Existing Buildings do not have doglegs or courts that would allow for more light to come into the interior of the building. (October 30 Tr. at 9, 13-14; Ex. 52; and FF 33.)
10. Finally, the Board notes that while several of the factors cited by the Applicant are common in the surrounding area, the Board concluded that they were combined in such a way that the collective impact resulted in the Property being affected in a different and more unique manner than other similar situated properties. (October 30 Tr. at 12-14.)

### **Practical Difficulties**

11. The Board concludes that, as a result of the confluence of factors cited above, the Applicant would face a practical difficulty if required to provide residential units on the third floor.
12. The Board notes that the existence of the historic party wall places substantial limitations on the Applicant's design options by limiting the Applicant's ability, for both historic and structural reasons, as to how much of the wall it can remove. This in turn limits the "porosity" between the two sides of the building and restricts the Applicant's ability to design the interior in an efficient manner. (October 30 Tr. at 13; Ex. 52.)
13. The Board considered the Applicant's alternative designs and efficiency analysis and concluded that the building's efficiency would be further limited if the Applicant were required to provide residential uses on the third floor as it would require additional means of egress, duplicative cores and hallways. Given the small building footprint and the restrictions of the historic elements, the Board concluded that this would result in a limited number of small, residential units and would negatively impact the design of the commercial spaces and the building efficiency as a whole. (October 30 Tr. at 13-14; Ex. 52D-52F.)
14. The Board also concludes that the configuration of the Existing Building as a midblock building, without doglegs or courts, and with limited roof space for skylights, would further impact any potential residential units by limiting the availability of natural light. The Board notes that this would necessitate additional design inefficiencies and would limit the financial viability of the potential residential units. (October 30 Tr. at 13-14; Ex. 52.)

### **No Substantial Detriment to the Public Good**

15. Although OP cites the loss of residential units as evidence of substantial detriment to the public good, the Board concludes that the loss of a small number of potential residential

units on the Property is outweighed by the adaptive reuse of the long-vacant residential portion of the Property.

16. The Board also finds that the proposed use is consistent with the existing character of the surrounding area, which is a portion of Wisconsin Avenue, N.W. that functions as a primary commercial corridor. The Board credits the testimony of the Applicant and the ANC that the proposed office use will help generate patronage of other neighboring commercial uses. (October 30 Tr. at 15.)
17. Finally, the Board notes that the Application received broad community support, including support from neighboring businesses, ANC 2E, Georgetown Main Street, the Georgetown Business Association, and the Citizens Association of Georgetown.

#### **No Substantial Detriment to the Intent, Purpose or Integrity of the Zoning Regulations**

18. Finally, the Board concluded that granting the application would cause no substantial harm to the Zoning Regulations because the proposed third-floor office space will be in keeping with the intent of the MU-4 zone to provide for a mix of uses including retail and office. (Subtitle G § 400.3(b).)
19. The Board takes note of OP's comments regarding the intent of Subtitle G § 402.2 to limit non-residential uses to the first two floors but also notes that the Property is located along a major commercial corridor and is surrounded by similar commercial and office uses. The Board further notes that part of the stated intent of Subtitle G § 402.2 was to allow greater flexibility for undersized lots. As such, it views the requested variance from the FAR location requirements as keeping with that basic intent of facilitating development of a small lot. (October 30 Tr. at 15.)

#### **“Great Weight” to the Recommendations of OP**

20. The Board is required to give “great weight” to the recommendation of the Office of Planning (D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8).
21. The Board considered the recommendations of OP but ultimately did not find its recommendation of denial to be persuasive.
22. With regard to the exceptional condition affecting the property, the Board concluded that OP did not fully consider the manner in which the historic elements of the Existing Buildings, combined with the small floor plates impacted the Applicants ability to provide efficient interior layouts. The Board further concludes that these same factors also limited the Applicants ability to provide residential units that would provide adequate space and light for potential residents.
23. The Board also considered OP's concerns regarding the loss of residential units but concluded that both the number and size of the units that the Applicant potentially provide was severely limited by the constraints of the building. The Board also noted that

the existing residential units have been vacant for a significant period of time so their loss would not constitute the loss of active housing stock.

24. Finally, with regard to the intent of Subtitle G § 402.2 to limit non-residential uses to the first two floors, the Board considered OP's comments but ultimately concludes that the intent of the regulations is to encourage efficient mixed-use development on small lots and views the Application as being in furtherance of this purpose.

**“Great Weight” to the Written Report of the ANC**

25. The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 2E (§ 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 Y § 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).
26. The Board finds the ANC's recommendation that the Board approve the application persuasive and concurs in that judgment.

**DECISION**

Based on the case record, and the Findings of Fact and Conclusions of Law herein, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for variance relief from the location restrictions of the floor area ratio requirements of Subtitle G § 402.2 to renovate existing commercial retail space and to convert the existing residential units into office space in the MU-4 Zone and therefore **GRANTS** this Application, subject to the following **CONDITION**:

1. The Project shall be constructed, renovated, and altered only in accordance with the plans dated May 7, 2019, in the record at Exhibit 5, as required by Subtitle Y §§ 604.9 and 604.10.<sup>2</sup>

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<sup>2</sup> Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Ex. 3.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board made no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application that would require additional or different zoning relief from that is granted by this order.

**VOTE (Oct. 30, 2019): 4-1-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White (by absentee ballot), and Peter A. Shapiro to **APPROVE**; Lorna L. John (by absentee ballot) to **DENY**.)

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

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

**FINAL DATE OF ORDER:** December 20, 2019

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

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

PURSUANT TO SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**BZA APPLICATION NO. 20061**

**PAGE NO. 12**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

**Application No. 20159 of JJ Brothers LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use requirements of Subtitle I § 303.1(b), to permit an eating and drinking establishment on the ground floor of an existing two-story building in the D-1-R Zone at premises 1133 11th Street, N.W. (Square 341, Lot 821).

**HEARING DATE:** December 18, 2019

**DECISION DATE:** December 18, 2019

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 5.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2F.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 6, 2019, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 41.)

OP Report. The Office of Planning submitted a report, dated December 6, 2019, recommending approval of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report, dated December 6, 2019, indicating that it had no objection to the application. (Exhibit 35.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the use requirements of Subtitle I § 303.1(b), to permit an eating and drinking establishment on the ground floor of an existing two-story building in the D-1-R Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general

purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

**VOTE: 4-0-1** (Frederick L. Hill, Peter G. May, Lorna L. John, and Carlton E. Hart to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** December 19, 2019

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

**BZA APPLICATION NO. 20159**

**PAGE NO. 2**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



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

**Application No. 20162 of Sandip Mehta and Angela Mizeur**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the accessory building use requirements of Subtitle U § 301.1(e), and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 504.1 to construct a two-story accessory structure to be used as a garage with a second-story dwelling unit in the RF-3 Zone at premises 400 3rd Street S.E. (Square 793, Lot 33).

**HEARING DATE:** December 18, 2019

**DECISION DATE:** December 18, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 10, 2019, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibits 35 and 37.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 34.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 32.)

Persons in Support. The Board received six letters in support from neighbors. (Exhibits 11-16.) The Board also received a letter in support from the Zoning Committee of the Capitol Hill Restoration Society. (Exhibit 39.)

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for under the accessory building use requirements of Subtitle U § 301.1(e), and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 504.1 to construct a two-story accessory structure to be used as a garage with a second-story dwelling unit in the RF-3 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 6 AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall have minor flexibility to modify the exterior elevations, specifically the bay roofline and door trim, as required by the Historic Preservation Review Board.

**VOTE: 4-0-1** (Peter G. May, Frederick L. Hill, Lorna L. John, and Carlton E. Hart to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** December 19, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN

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<sup>1</sup> Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

**Application No. 20167 of Neil King**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the use provisions of Subtitle U § 301.1(c)(2), and pursuant to Subtitle X, Chapter 10, for variances from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a second floor addition to an existing accessory building to accommodate an apartment in the RF-1 Zone at premises 233 ½ 9th Street, S.E. (Square 923, Lot 51).

**HEARING DATE:** December 18, 2019

**DECISION DATE:** December 18, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 10, 2019, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 32.)

OP Report. The Office of Planning submitted a report, dated December 6, 2019, recommending approval of the application. (Exhibit 30.)

DDOT Report. The District Department of Transportation submitted a report, dated November 20, 2019, indicating that it had no objection to the application. (Exhibit 29.)

Persons in Support. The Board received four letters from neighbors in support of the application. (Exhibits 10, 11, 27 and 28.)

### Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for area variances from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception from the use provisions of Subtitle U § 301.1(c)(2).

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 6.**

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE; one Board member not participating.)

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<sup>1</sup>Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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

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

**FINAL DATE OF ORDER:** December 20, 2019

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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.

**BZA APPLICATION NO. 20167**

**PAGE NO. 3**

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

**Application No. 20169 of Washington Ethical Society**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-Use group requirements of Subtitle U § 203.1(g) to permit the continued use of the building as a child development center for 40 children in the R-1-A Zone at premises 7750 16th Street, N.W. (Square 2745F, Lot 81).

**HEARING DATE:** December 18, 2019

**DECISION DATE:** December 18, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4A.

ANC Report. The ANC did not submit a written report to the record. Under Subtitle Y § 406.2, the Board must give "great weight" to the issues and concerns raised in the written report of the affected ANC. Absent the ANC's written report, the Board has no issues or concerns to which it can afford "great weight" for this application.

OP Report. The Office of Planning ("OP") submitted a report recommending approval of the application. (Exhibit 38.) OP recommended that the Board adopt conditions related to operation of the facility – including the number of children, hours of operation, drop-off and pick-up, and the traffic and parking management plan. The Board adopted these conditions as part of this Order.

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 37.)

OSSE Report. The Office of the State Superintendent of Education submitted a report recommending that the application be approved. (Exhibit 39.)

Prior Approvals. In 2012, the Applicant was granted special exception relief to establish a child development center on the property, subject to six conditions. In 2013, the Board granted a modification of that order to amend the condition language.

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the R-Use group requirements of Subtitle U § 203.1(g) to permit the continued use of the building as a child development center for 40 children in the R-1-A Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 11 – PLATS AND DRAWINGS, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The child development center shall enroll no more than 40 students, ages infant to five years old.
2. The child development center's staff shall be limited to no more than 14 persons.
3. Hours of operation of the child development center shall be limited to 7:00 a.m. to 6:30 p.m., Monday through Friday.
4. The Applicant and any future operator of the child development center shall maintain the following traffic and parking management plan provisions:
  - a. The following restrictions shall be included in the child development center's enrollment agreement with parents or guardians of students enrolled in the child development center and in the family handbook that it distributes to parents.
  - b. Parents and caregivers shall not be allowed:
    - i. To drive through or into any of the 16th Street alleys to pick up or drop off students (except in the case of a physically disabled student, and then subject to certain conditions), or to attend meetings with staff members at the child development center;

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<sup>1</sup> In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.



- ii. To use any driveways to execute a three-point turn near the subject property;
  - iii. To park on Jonquil Street, N.W., on either side of 16th Street, N.W., or within five feet of the entrance of any garage or driveway in the community. Drivers shall be encouraged to seek a parking space first on Kalmia Road west of 16<sup>th</sup> Street, then on Kalmia Road east of 16<sup>th</sup> Street, and, if more spaces are available at either location, park on 16<sup>th</sup> Street if permitted by applicable parking restrictions; and
  - iv. To use a vehicle to transport a student to or from the subject property that does not display a placard provided by the child development center.
- c. For at least 30 minutes during the morning and evening peak drop-off and pick-up periods, which the Applicant expects will be 8:15 a.m. to 8:45a.m. and 5:15p.m. to 5:45 p.m., the child development center shall post at least one member of its staff at the entrance to the alley at Kalmia Road and 16<sup>th</sup> Street to direct drivers to park on Kalmia and walk students to the entrance of the center.
  - d. Employees of the child development center shall monitor the parking area at the subject property during peak morning and afternoon activity, and randomly at other times, to assure that drivers comply with the neighborhood cooperation agreement.
  - e. Employees of the child development center shall park in the parking lot at the subject property, where at least four parking spaces shall be reserved for their use. Staff drivers shall enter on Jonquil Street and exit at Kalmia Road.
  - f. The child development center shall offer its staff an employee benefit to encourage the use of public transportation.
5. The Applicant's facility shall remain capable of meeting all applicable codes and licensing requirements.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE; one Board member not participating).

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

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

**FINAL DATE OF ORDER:** December 23, 2019

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN

SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

**Application No. 20170 of District of Columbia Department of General Services and District of Columbia Public Schools**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504 from the penthouse screening requirements of Subtitle C § 1500.6, to an existing public elementary school building in the R-2 Zone at premises 1100-1120 50th Place N.E. (Square 5174, Lot 105).

**HEARING DATE:** December 18, 2019

**DECISION DATE:** December 18, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 7C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 10, 2019, the ANC voted 4-0 to support the application. (Exhibit 28.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 31.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 32.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 1504 from the penthouse screening requirements of Subtitle C § 1500.6, to an existing public elementary school building in the R-2 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the

burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 6.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; one Board member not participating.)

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

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

**FINAL DATE OF ORDER:** December 23, 2019

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR

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<sup>1</sup> Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

**Application No. 20174 of HJB Properties, LLC**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the minimum lot area requirements of Subtitle E § 201.1, to permit the creation of a single record lot in the RF-1 Zone at premises 1416 3rd Street, N.W. (Square 553W, Lots 829 and 830).

**HEARING DATE:** December 18, 2019

**DECISION DATE:** December 18, 2019

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 40 (Revised); (Exhibit 4 (Original).)<sup>1</sup>

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 19, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. According to ANC 5E, the application has the support of the Bates Area Civic Association. (Exhibit 29.)

OP Report. The Office of Planning ("OP"), in a report dated December 6, 2019, could not make a recommendation of the originally-requested relief because of the subdivision issues involved. (Exhibit 30.) After seeking clarification from the Zoning Administrator and the Surveyor, OP submitted a supplemental report, dated December 17, 2019, recommending approval of the application. (Exhibit 41.)

DDOT Report. The District Department of Transportation submitted a report, dated November 20, 2019, indicating that it had no objection to the application. (Exhibit 28.)

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<sup>1</sup> The Applicant originally requested an area variance from the minimum lot width and minimum lot area requirements of Subtitle E § 201.1 in order to create two record lots. Pursuant to feedback and recommendations from the Office of Planning, the Applicant amended the application to seek only lot area relief for a single record lot. (Exhibit 38.)

Persons in Opposition. The Board received five letters in opposition to the application. (Exhibits 31-35.) However, three of the individuals subsequently submitted letters to withdraw their opposition, noting that the issue of parking had been resolved by the Applicant. (Exhibits 45-47.)

### **Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the minimum lot area requirements of Subtitle E § 201.1, to permit the creation of a single record lot in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>2</sup> AT EXHIBIT 6.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; one Board member not participating.)

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

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED

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<sup>2</sup>Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



**BOARD OF ZONING ADJUSTMENT  
PUBLIC MEETING NOTICE  
WEDNESDAY, FEBRUARY 26, 2020  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**FOR EXPEDITED REVIEW**

**WARD THREE**

20205      **Application of Christopher Cahill**, pursuant to 11 DCMR Subtitle X,  
ANC 3C      Chapter 9, for special exceptions under Subtitle D § 5201, from the side  
                 yard requirements of Subtitle D § 206.7 and the pervious surface  
                 requirements of Subtitle D § 308.1, and under Subtitle U § 253.10 from the  
                 accessory apartment requirements of Subtitle U § 253.7(c), to construct a  
                 two-story rear addition and to permit an accessory apartment with an  
                 entrance on a street facing façade in an existing detached principal dwelling  
                 in the R-1-B Zone at premises 3401 Lowell Street N.W. (Square 2089, Lot  
                 828).

**PLEASE NOTE:**

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.\*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and

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FEBRUARY 26, 2020

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comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at <http://dcoz.dc.gov/bza/calendar.shtm> and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

**Do you need assistance to participate?**

Amharic

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

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

BZA PUBLIC MEETING NOTICE  
FEBRUARY 26, 2020  
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특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

*Spanish*

¿Necesita ayuda para participar?

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

*Vietnamese*

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

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

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING  
Z.C. Case No. 09-03F  
Skyland Holdings, LLC – PUD Modification @ Square 5633, Lot 22)  
December 16, 2019**

**THIS CASE IS OF INTEREST TO ANC 7B and 8B**

On December 9, 2019, the Office of Zoning received an application from Skyland Holdings, LLC (the “Applicant”) for approval of a 2<sup>nd</sup>-stage planned unit development (“PUD”) and modification of significance to a previously approved 1<sup>st</sup>-stage PUD for the above-referenced property.

The property that is the subject of this application consists of Lot 22 in Square 5633 in southeast Washington, D.C. (Ward 7), on property located at the intersection of Naylor Road, Good Hope Road, and Alabama Avenue, S.E, and known as Skyland Town Center. The Applicant is seeking to modify and refine the uses, site plan, and design of the original PUD. The original PUD consisted of a five-block town center. The site is being reconfigured into four blocks. Block 2 of the previously approved PUD is unchanged and currently under construction and not part of this application. The three remaining blocks are the subject of this application: the reconfigured Blocks 1 and 3 are proposed as consolidated PUD modifications, and the reconfigured Block 4 is proposed as a first-stage PUD modification.

The Applicant proposes to develop the three blocks generally as follows: Block 1 will consist of a medical office building and associated structured parking; Block 3 will be developed with three single-story retail buildings, the largest being for the Lidl grocery store; and Block 4 will be a residential building. The maximum height of the project will be 60 feet\*; the maximum density will be 1.63 floor area ratio (“FAR”); the maximum lot occupancy will 46.8%; and there will be 1,276 total car parking spaces.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

\*The maximum height for Block 2, which is not part of this application, is 62 feet.

**ZONING COMMISSION ORDER NO. 12-01B**  
**Z.C. Case No. 12-01B**  
**The Catholic University of America**  
**(Amendment to and Further Processing of an Approved Campus Plan**  
**@ Square 3821, Lot 44 [620 Michigan Avenue, N.E.]**  
**May 20, 2019**

Pursuant to notice, at a public meeting of the Zoning Commission for the District of Columbia (the “Commission”) held on May 20, 2019, the Commission considered the request of the Catholic University of America (the “University”) for an amendment to, and further processing of, the University’s approved 2012-2027 Campus Plan (the “Campus Plan”), approved by Z.C. Order No. 12-01 (the “Original Order”), as amended by Z.C. Order No. 12-01A, for Square 3671, Lots 2, 3, and 802, Square 3821, Lot 44, and Parcel 121/29 (collectively, the “Property”) to adjust the size and location of the dining hall. The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations”, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission APPROVES the Application.

**FINDINGS OF FACT**

**Notice**

1. On March 12, 2019, the University filed an application to amend and further process the Campus Plan to permit the expansion and relocation of the dining hall approved by the Campus Plan (the “Application”).
2. On December 27, 2018, more than 45 days prior to filing the Application as required by Subtitle Z § 302.6, the University mailed a Notice of Intent to file the Application to Advisory Neighborhood Commission (“ANC”) 5A, in which district the Property is located, ANCs 5B and 5E, which districts across a street from the Property and which are deemed with ANC 5A, the ANCs “affected” by the Application pursuant to Subtitle Z §101.8, and the owners of all property within 200 feet of the Property. (Exhibit [“Ex.”] 3C.)
3. The Application included a certificate of service on ANCs 5A, 5B, and 5E, and the Office of Planning (“OP”), as required by Subtitle Z § 302.11. (Ex. 1.)
4. Pursuant to Subtitle Z § 402.1, on March 28, 2019 the Office of Zoning sent notice of the May 20, 2019 public hearing to the University; ANCs 5A, 5B, and 5E, and the Office of ANCs; the owners of all property within 200 feet of the Property; OP; the District Department of Transportation (“DDOT”); the Department of Consumer & Regulatory Affairs; and the Councilmember for Ward 5, the Chairman of the Council, and the At-Large Councilmembers. Notice of the public hearing was published in the *D.C. Register* on April 5, 2019 (66 DCR 4238). (Ex. 10)

**The Application**

5. The Property is located in the RA-1 zone.
6. The University amended the plans submitted with the Application in response to comments from OP. (Ex. 3H, 12B, 16A, 19, and 26A1-26A3.)
7. The Application, as amended by the final revised plans (Exhibits 26A1-26A3, the “Final Plans”), proposed to increase the size of the dining hall (the “Dining Hall”) to approximately 36,500 square feet and to relocate the Dining Hall to the site of to-be demolished Magner House (student housing). (Ex. 3)
8. The Dining Hall would be approximately 17,417 square feet larger than the 19,083 square feet of Magner House, which would increase the University’s overall Floor Area Ratio (“FAR”) to 0.30, within the 0.39 FAR approved by the Campus Plan and within the 1.8 FAR maximum for the RA-1 zone pursuant to Subtitle X § 101.5.
9. The only condition of the Original Order impacted by the Application is Condition No. 14 which requires the University to provide a status update on the Campus Plan open space improvements with each further processing application. (Ex. 3 and 3A). The Application stated that the University plans to remove the McMahon surface parking lot on the Main Campus by 2020 and replace it with green, landscaped open space. The Application noted that the conversion was expected to be complete by 2022 and provide 80,000 more square feet of green space. (Ex. 3)

**Parties**

10. The University and ANCs 5A, 5B, and 5E were automatically parties in this proceeding per Subtitle Z § 403.5. The Commission received no requests for party status.

**OP Report**

11. OP submitted a report dated May 10, 2019, stating general support for the Application, but requesting additional drawings and other information from the University to fully analyze the compliance of the Application with the campus plan requirements. (Ex. 15.)
12. Following the University submission of updated plans, OP submitted a supplemental report on May 17, 2019, recommending approval of the Application on the condition that the University reduce the design flexibility proposed on Sheet A101C of the Revised Plans. (Ex. 18.)
13. The University subsequently agreed to narrow the requested design flexibility. (May 20, 2019 Public Hearing Transcript [“May 20 Tr.”] at 8-10) and OP testified in support of the Application. (May 20 Tr. at 14.)

**ANC Reports**

14. ANC 5A submitted a report dated May 16, 2019, stating that at a properly noticed meeting, with a quorum present, the ANC voted to support the Application without expressing any issues or concerns. (Ex. 20.)

15. ANCs 5B and 5E did not submit a report.

### CONCLUSIONS OF LAW

1. The Commission may approve a campus plan, and any amendment and further processing thereof, as a special exception upon determining that the applicant has demonstrated the satisfaction of the requirements of Subtitle X § 101 and Chapter 9. The Commission concludes that the Application meets these requirements as follows:
2. Subtitle X § 101.2 - *The uses shall be located so that they are not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions.*  
The Commission finds that the Dining Hall would be located in the center of the main campus, approximately 800 feet and across the metro and railroad tracks from the nearest off-campus residence. As such, the Commission concludes that the Dining Hall will not result in any objectionable impacts in terms of noise to the neighboring properties.

The Commission notes that while the Dining Hall will likely generate additional deliveries and trash truck trips, it concludes that those vehicles would access the facility from John McCormack Road, and then from either Michigan Avenue or Taylor Street, and would not pass directly through neighborhood streets.

Finally, the Commission concludes that because no parking is proposed for the Dining Hall, and because it will not increase enrollment, it should not generate any additional automobile traffic. The Commission notes that DDOT did not submit a response to the Application despite being served notice and that the Applicant's testimony attributed this lack of a response to the fact that the Application does not propose any parking and expects to create minimal impacts on traffic. (May 20, Tr. at 12.)

3. Subtitle X § 101.3 - *Any commercial use customarily incidental to a university use in an R, RF, or RA zone, or as an adjunct use to a university building, shall be subject to the following conditions:*
  - (a) *There shall be a demonstrated and necessary relationship between the use and the university functions;*
  - (b) *The total floor area of all commercial uses, including basement or cellar space, shall occupy no more than ten percent (10%) of the gross floor area of the total campus plan floor area; and*
  - (c) *The commercial use shall be located so that it will not become objectionable to non-university residential neighbors due to hours of operation, noise, parking, loading, lighting, trash, or other operational characteristics that are not customarily associated with a residential use.*

The Commission finds that the Application does not specify whether any portion of the Dining Hall will be dedicated to commercial uses such as restaurant-style food vendors.

However, the Commission concludes that such a use would be incidental to the University use and would not result in any objectionable impacts.

4. Subtitle X § 101.4 - *The campus plan process shall not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Comprehensive Plan.*  
The Commission concludes that the Dining Hall will not result in the creation of general commercial activities unrelated to the educational mission of the University.
5. Subtitle X § 101.5 - *The following development standards shall apply to the maximum total density of all buildings and structures on the campus in an R, RF, RA, or RC-1 zone: All R Zones – Maximum Height of 50 feet, and Maximum 1.8 Floor Area Ratio (“FAR”).*  
The Commission finds that the Original Order approved a total FAR of 0.39, within the maximum 1.8 FAR permitted in the RA-1 Zone. The Dining Hall will result in a total FAR of 0.30, consistent with the Original Order.
6. Subtitle X § 101.6 - *Because of permissive increases as applicable to normal bulk requirements in the low-density zones regulated by this title, it is the intent of this subsection to prevent unreasonable campus expansion into improved low-density zones.*  
The Commission concludes that the Application would not result in the expansion of the campus into low-density zones.
7. Subtitle X § 101.7 - *In calculating floor area ratio (FAR), the land area shall not include public streets and alleys, but may include interior private streets and alleys within the campus boundaries.*  
The Commission concludes that the FAR calculation included in the campus plan did not include public streets but did include interior streets and driveways within the campus boundaries.
8. Subtitle X § 101.8 - *As a prerequisite to requesting a further processing for each college or university use, the applicant shall have submitted to the Zoning Commission for its approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements including, but not limited to, the following:*
  - a) *Buildings and parking and loading facilities;*
  - b) *Screening, signs, streets, and public utility facilities;*
  - c) *Athletic and other recreational facilities; and*
  - d) *A description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.*The Commission concludes that the Final Plans include all the required information. (Ex. 26A-26C.)
9. Subtitle X § 101.9 - *The further processing of specific buildings, structures, and uses within an approved campus plan shall be processed as a special exception unless the campus plan approval was included in an order granting a first-stage planned unit development (PUD) for the campus, in which case the further processing shall be in the form of second-stage*



*planned unit development applications filed consistent with the conditions of the approved campus plan/PUD.*

The Commission concludes that the Application was properly filed as a special exception for a further processing to the original campus plan, as well as an amendment to the campus plan.

10. Subtitle X § 101.10 - *Within a reasonable distance of the college or university campus, and subject to compliance with Subtitle X § 101.2, the Zoning Commission may also permit the interim use of land or improved property with any use that the Zoning Commission may determine is a proper college or university function. The land need not be included in the campus plan. When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for, or devoted to, a different major new building unless the Zoning Commission has approved an amendment to the campus plan applicable to the site; provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.*

The Commission concludes that the Application is not proposing an interim use of property.

11. Subtitle X § 101.11 - *In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Zoning Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.*

In Z.C. Case No. 12-01, Commission concluded that the Campus Plan was not inconsistent with the policies of the Comprehensive Plan, including the Future Land Use Map, the Generalized Policy Map, the Upper Northeast Area Element, and the Brookland Small Area Plan. The Commission concludes that the Dining Hall will be consistent with the previous approvals and will not change the relationship of the Campus Plan to the Comprehensive Plan. (Ex. 3A.)

12. Subtitle X § 101.12 - *As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the college or university shall certify and document that the proposed building or amendment is within the FAR limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was approved.*

The Commission concludes that the new total FAR of 0.30 after the completion of the Dining Hall will be within the maximum 0.39 FAR permitted under the Campus Plan.

13. Subtitle X § 101.13 - *Pursuant to Subtitle Z § 405.1, as soon as the application is accepted, the Office of Zoning shall refer the application to the Office of Planning, the Department of Transportation, and the Department of Energy and Environment for review and written reports.*

The Commission concludes that the Application was properly referred to all relevant District agencies. The Commission notes that the Office of Planning was the only agency to provide a report on the Application.

14. Subtitle X § 101.14<sup>1</sup> - *Approval of a campus plan shall be based on the determination by the Zoning Commission that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps, subject to the special conditions specified in this section.*

The Commission concludes that the Dining Hall will be consistent with the scale of the existing buildings on the campus and the Campus Plan generally. The Commission also concludes that due to the Dining Hall's central location, lack of parking, and minimal traffic and loading impacts, it is unlikely to result in adverse impacts to neighboring properties.

**“Great Weight” to the Recommendations of OP**

15. The Commission is required to 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.); Subtitle Y § 405.8); *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
16. The Commission finds OP’s recommendation that the Commission approve the Application persuasive and concurred in that judgment.

**“Great Weight” to the Written Report of the ANCs**

17. The Commission must give “great weight” to the issues and concerns raised in a written report of the 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 Y § 406.2.) To satisfy the 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).”
18. The Commission finds the support of ANC 5A for the Application persuasive and concurs in that judgment. The Commission has no issues or concerns to which it can give great weight from either ANC 5B or ANC 5E, as these ANCs did not submit any report in this case despite having received notice of the Application.

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore

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<sup>1</sup> Subtitle X § 101.14 encapsulates the general Special Exception criteria of Subtitle X § 901.2.

**APPROVES** the Application's request to amend and further process the Campus Plan for the Catholic University as originally approved by Z.C. Order No. 12-01, as amended by Z.C. Order No. 12-01A. The conditions in Z.C. Order No. 12-01, as amended by Z.C. Order No. 12-01A, remain in full force and effect together with the following new Condition No. 18:

18. The Dining Hall shall be developed in accordance with the plans prepared by Perkins Eastman, dated July 19, 2019, and marked as Exhibits 26A through 26C of the record.

**VOTE (May 20, 2019): 5-0-0** (Robert E. Miller, Peter A. Shapiro, Anthony J. Hood, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this order 12-01B shall become final and effective upon publication in the *DC Register*; that is, on January 3, 2020.

**BY ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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