

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-317, Coronavirus Omnibus Emergency Amendment Act of 2020
- Office of the State Superintendent of Education announces funding availability for the FY 2021 McKinney-Vento Homeless Assistance Grant
- Board of Elections schedules a public hearing to review the Initiative Measure, “Vocational Technical Education Graduation Pathway Policy Act of 2020”
- Department of Energy and Environment updates the District of Columbia’s Water Quality Standards to implement the recommendations of the Environmental Protection Agency
- Department of Health Care Finance and the Department on Disability Services solicit public input on the proposed amendments to the People with Intellectual and Developmental Disabilities (IDD) Waiver program
- Department of Health allows medical marijuana dispensaries and cultivation centers to change ownership or location
- D.C. Public Service Commission approves Washington Gas Light Company's Rights-of-Way Surcharge Update
- D.C. Water and Sewer Authority schedules a public hearing to discuss the amendments to the FY 2021 and FY 2022 water and sewer rates, fees, and charges and the CAP Rules

DISTRICT OF COLUMBIA REGISTER

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AN ACT

D.C. ACT 23-316

IN THE COUNCIL OF DISTRICT OF COLUMBIA

MAY 4, 2020

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to provide a real property tax exemption to the properties designated as Lots 824 and 826, 2950, and to require that development of the property be in compliance with the Small and Certified Business Enterprise Development and Assistance Act of 2005 and the First Source Employment Agreement Act of 1984.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Children's Hospital Research and Innovation Campus Phase I Temporary Amendment Act of 2020".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended by adding a new section 47-1099.09 to read as follows:

“§ 47-1099.09. Children's Hospital real property tax exemption.

“(a) Only that portion of real property currently described for assessment and taxation purposes as Square 2950, Lot 808, which is to be subdivided in part into Square 2950, Lots 824 and 826, effective for tax year 2020, and the buildings located thereon (“Property”), owned by Children's National at Walter Reed, LLC, a wholly-owned subsidiary of Children's Hospital, a District of Columbia nonprofit corporation, shall remain exempt from real property taxation to the extent the Property is validly exempt as of the day before the date any lease is granted to certain business entities known as Building 52/53 NMTC Borrower, LLC, and Building 54 NMTC Borrower, LLC (controlled directly or indirectly by Children's Hospital), and for the period during which the Property is eligible to receive federal tax benefits, including New Markets Tax Credits under 26 U.S.C. § 45D, Opportunity Zone tax benefits under 26 U.S.C. § 1400Z-1, *et seq.*, or Historic Rehabilitation Tax Credits under 26 U.S.C. § 47; provided, that the Property shall be subject to subsection (c) of this section and §§ 47-1007 and 47-1009. The Property shall be subject to the provisions of §§ 47-1005, 47-1007 and 47-1009 where a sublease or lease is made to another entity (other than the certain business entities referenced in this subsection) that would not qualify for exemption under § 47-1002 if it were both the owner and user of the property.

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“(b) Any transfer, assignment, or other disposition of all or any portion of the Property, including an assignment of leasehold interest in the Property or a sublease of the Property, between Children’s National at Walter Reed, LLC, and Children’s Hospital, any business entity controlled directly or indirectly by Children’s Hospital, or a security interest instrument, including a deed of trust, secured by the Property or any interest therein, shall be exempt from the tax imposed by §§ 42-1103 and 47-903.)

“(c) Any contract that Children’s Hospital, or a subsidiary of Children’s Hospital, enters into for architectural design services, construction services, or materials needed for the development, remodel, or construction of Phase II of the Children’s National Research & Innovation Campus on the Property is subject to the contracting and procurement requirements under the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), and the employment and job creation requirements under the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*)”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 4, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 13, 2020

To provide, on an emergency basis, additional protections to Districts residents and businesses during the current public health emergency.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Coronavirus Omnibus Emergency Amendment Act of 2020”.

Sec. 2. Alcoholic beverage regulation.

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

(a) Section 25-113(a)(3) is amended by adding a new subparagraph (D) to read as follows:

“(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered with the Board under subparagraph (C) of this paragraph may register with the Board to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from one additional location other than the licensed premises. Board approval shall not be required for the additional registration under this subsection; provided, that:

“(I) The licensee separately registers with the Board and receives written authorization from ABRA prior to offering alcoholic beverages for carryout or delivery at the additional location;

“(II) The licensee, the additional location’s owner, or a prior tenant at the additional location possesses a valid certificate of occupancy for the building used as the additional location, unless the additional location is located on outdoor private space;

“(III) The licensee has been legally authorized by the owner of the building or the property utilized as the additional location to utilize the space for carryout and delivery;

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“(IV) The licensee agrees to follow all applicable Department of Consumer and Regulatory Affairs and Department of Health laws and regulations; and

“(V) The additional location from which the licensee intends to offer alcoholic beverages for carryout or delivery is located in a commercial or mixed-use zone as defined in the zoning regulations for the District.

“(ii) The on-premises retailer’s licensee shall not offer beer, wine, or spirits for carryout and delivery on public space; except, that an additional location under this subparagraph may include a sidewalk café that has been issued a public-space permit by the District Department of Transportation.

“(iii) The on-premises retailer’s licensee who has been registered to offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do so only at the additional location.

“(iv) An on-premises retailer’s licensee who has been registered to offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph may do so for no longer than 30 calendar days. The Board may approve a written request from an on-premises licensee to extend carryout or delivery alcohol sales from an additional location pursuant to this subparagraph for one additional 30 calendar-day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-premises consumption from the additional location for more than 60 calendar days unless a completed application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

“(v) The on-premises retailer’s licensee may sell and deliver alcoholic beverages for carryout and delivery from an additional location in accordance with this subparagraph only between the hours of 7:00 a.m. and midnight, 7 days a week.

“(vi) The Board may fine an on-premises retailer’s licensee, or suspend, cancel, or revoke an on-premises retailer’s license, and shall revoke an on-premises retailer’s licensee’s registration to offer beer, wine, or spirits for carryout or delivery at the additional location if the licensee fails to comply with sub-subparagraphs (i)-(v) of this subparagraph.”.

(b) Chapter 4 is amended as follows:

(1) Section 25-401(c) is amended by striking the phrase “shall sign a notarized statement certifying” and inserting the phrase “shall sign a statement with an original signature, which may be a signature by wet ink, an electronic signature, or a signed copy thereof, certifying” in its place.

(2) Section 25-403(a) is amended by striking the phrase “verify, by affidavit,” and inserting the word “self-certify” in its place.

(3) Section 25-421(e) is amended by striking the phrase “by first-class mail, postmarked not more than 7 days after the date of submission” and inserting the phrase “by electronic mail on or before the first day of the 66-day public comment period” in its place.

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(4) Section 25-423 is amended as follows:

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

(i) Strike the phrase "45-day protest period" and insert the phrase "66-day protest period" in its place.

(ii) Strike the phrase "45 days" and insert the phrase "66 days" in its place.

(B) Subsection (h) is amended by striking the phrase "45-day public comment period" and inserting the phrase "66-day public comment period" in its place.

(5) Section 25-431 is amended as follows:

(A) Subsection (f) is amended by striking the phrase "45-day protest period" and inserting the phrase "66-day protest period" in its place.

(B) Subsection (g) is amended by striking the phrase "45 days" and inserting the phrase "66 days" in its place.

(c) Section 25-791(a)(1) is amended by striking the phrase "21 or more calendar days," and inserting the phrase "21 or more calendar days, excluding each day during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

Sec. 3. Corporate filing extension clarification.

The amendatory section 29-102.12(e) of the District of Columbia Official Code in section 204 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended to read as follows:

"(e) There shall be no late fee for delivering the biennial report for 2020 required by § 29-102.11(c); provided, that the biennial report for 2020 be delivered to the Mayor for filing by June 1, 2020."

Sec. 4. Cooperative association remote meetings.

Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 405.01(e) is amended by striking the phrase "The articles of incorporation or bylaws may provide that an annual" and inserting the phrase "An annual" in its place.

(b) Section 910 is amended by striking the phrase "If authorized by the articles or bylaws" and inserting the phrase "During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws" in its place.

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Sec. 5. Trade name renewals and taxation of microgrants.

Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1803.02(a)(2) is amended by adding a new subparagraph (HH) to read as follows:

“(HH) Public health emergency small business grants awarded pursuant to section 202 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093).”.

(b) Section 47-2855.04 is amended by adding a new subsection (c) to read as follows:

“(c) There shall be no late fee for trade name renewal applications required by rules promulgated under subsection (a) of this section to be filed by April 1, 2020; provided, that the trade name renewal application be filed by June 1, 2020.”.

Sec. 6. Third-party food delivery commissions.

(a) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), (“public health emergency”) a person, corporation, partnership, or association operating a third-party food platform within the District shall register with the Department of Consumer and Regulatory Affairs.

(b) Notwithstanding any provision of District law, during a public health emergency, it shall be unlawful for a person to cause a third-party food delivery platform to charge a restaurant a commission fee for the use of the platform’s services for delivery or pick-up that totals more than 15% of the purchase price per online order.

(c) It shall be unlawful for a person to cause a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to comply with subsection (b) of this section.

(d) During a public health emergency, at the time a final price is disclosed to a customer for the intended purchase and delivery of food from a restaurant through a third-party food delivery platform and before that transaction is completed by the customer, the third-party food delivery platform shall disclose to the customer, in plain language and in a conspicuous manner, any commission, fee, or any other monetary payment imposed by the third-party food delivery platform on the restaurant as a term of a contract or agreement between the platform and the restaurant in connection with the restaurant’s use of the platform.

(e)(1) A person who violates this section shall be subject to a fine of not less than \$250 and not more than \$1,000 for each such violation.

(2) A violation of this section shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(f) For purposes of this section:

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(1) "Online order" means an order placed by a customer through a platform provided by the third-party food delivery service for delivery or pickup within the District.

(2) "Purchase price" means the menu price of an online order, excluding taxes, gratuities, or any other fees that may make up the total cost to the customer of an online order.

(3) "Restaurant" shall have the same meaning as provided in § 25-101(43).

(4) "Third-party food delivery platform" means any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, restaurants.

(g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

Sec. 7. Emergency credit alerts.

Chapter 38 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) A new section 28-3862.01 is added to read as follows:

"§ 28-3862.01. COVID-19 Emergency credit alert.

"(a) If a consumer demonstrates evidence of financial hardship resulting directly or indirectly from the cause of the public health emergency during the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days following ("covered time period"), a consumer reporting agency that maintains a file on the consumer shall include an alert ("COVID-19 alert") in that file indicating that the consumer has been financially impacted by the COVID-19 emergency and shall provide that alert along with or accompanying any consumer report or credit score provided by the agency, beginning on the date of such request, unless the consumer requests that such COVID-19 alert be removed.

"(b) No user of a consumer report shall use or take into consideration any adverse information in a report that was the result of an action or inaction by a consumer that occurred during the covered time period if there is a COVID-19 alert included along with or accompanying the consumer's report or provided with the consumer's credit score pursuant to subsection (a) of this section.

"(c) This section shall not apply to a federal credit union, as defined by 12 U.S.C. § 1752(1), a national bank, as defined by 12 U.S.C. § 25b(a)(1)), or a federal savings association, as defined by 12 U.S.C. § 1462(3)); except, that this non-applicability exception shall not apply to any entity to which the savings clause at 12 U.S.C. § 25b(b)(2)) applies.

"(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. § 1681j, the entity providing the credit report must notify the resident of his or her right to request a COVID-19 alert to accompany the credit report.

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“(e)(1) If any person or entity violates this section, the affected consumer may bring a civil action for:

“(A) Injunctive relief to prevent or restrain further violation of this section;

“(B) Actual damages; and

“(C) Reasonable attorney’s fees and costs of the action.

“(2) If a credit reporting agency willfully violates this section, the affected consumer may obtain punitive damages, except in the case of negligence as provided by 15 U.S.C. § 1681h(e)).

“(f)(1) The Attorney General may petition the Superior Court of the District of Columbia for temporary or permanent injunctive relief for, and for an award of restitution for property lost or damages suffered by a consumer as a consequence of, a violation of this section, or fraudulent or deceptive conduct in violation of this section that harms a District resident.

“(2) In an action under this section, the Attorney General may recover:

“(A) A civil penalty not to exceed \$1,000 for each violation; and

“(B) Reasonable attorney’s fees and costs of the action.

“(g) The following terms shall have the same meaning as defined in § 28-3861:

“(1) “Consumer;”

“(2) “Credit report;” and

“(3) “Credit reporting agency.

“(h) This section shall not be construed in a manner inconsistent with the Fair Credit Reporting Act, 15 U.S. C. § 1681 *et seq.*, or any other federal law or regulation.”.

Sec. 8. Rental tenant payment plans.

(a) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year thereafter (“covered time period”), a provider shall develop a rent-payment-plan program (“Program”) for eligible residential and commercial tenants. Under the Program, a provider shall:

(1) Permit an eligible tenant to enter into a payment plan for rent that comes due during the covered time and prior to cessation of the tenancy (“payment plan”);

(2) Waive any fee or penalty arising out of entering into a payment plan;

(3) Not report to a credit bureau as delinquent the rent that is subject to the payment plan or report the payment plan as derogatory information; and

(4) Notify all tenants of the availability, terms, and application process for the Program.

(b)(1) A provider shall permit a tenant with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

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(2) A provider shall not require or request a tenant to provide a lump-sum payment in excess of the amount required under a payment plan.

(3) A provider shall agree in writing to the terms of the payment plan.

(4) A provider may use any security deposit, last month's rent, or other amount held by the provider on behalf of the tenant to satisfy amounts owed under a payment plan; provided, that the tenant agree in writing to such use.

(c) A provider shall establish procedures governing how tenants are to apply for its Program, including requiring a tenant to submit supporting documentation. An application shall be made available online and by telephone.

(d) A provider shall approve each application in which a tenant:

(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make rental payments established prior to the start of the public health emergency; and

(2) Agrees in writing to make payments in accordance with the payment plan.

(e)(1) A provider who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

(2) Upon request, a provider shall make an application for a payment plan available to:

(A) For residential tenants, the Rent Administrator and Office of the Tenant Advocate; and

(B) For commercial tenants, the Department of Consumer and Regulatory Affairs.

(f)(1) A residential tenant whose application for a payment plan is denied may file a written complaint with the Rent Administrator. The Rent Administrator shall forward the complaint to the Office of Administrative Hearings for adjudication.

(2) A commercial tenant whose application for a payment plan is denied may file a written complaint with the Department of Consumer and Regulatory Affairs. The Department of Consumer and Regulatory Affairs shall forward the complaint to the Office of Administrative Hearings for adjudication.

(g) For the purposes of this section, the term:

(1) "Eligible tenant" means a tenant of a residential or commercial retail property that:

(A) Has notified the landlord of an inability to pay all or a portion of the rent due as a result of the public health emergency;

(B) Is not currently receiving a rent reduction pursuant to section 202 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178); provided, that a tenant not currently receiving such a rent reduction otherwise remains eligible under this section; and

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(C) Is not a franchise unless the franchise is owned by a District resident and operated in the District.

(2) "Housing provider" means a person who is:

(A) A residential landlord, residential owner, residential lessor, residential sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit within a housing accommodation within the District; and

(B) Has 5 or more residential units currently rented or available for rent.

(3) "Non-housing provider" means a person who is a non-residential landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial unit.

(4) "Provider" means a housing provider or a non-housing provider.

Sec. 9. Commercial tenant rent increase clarification.

The amendatory section 203(e) of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 66 DCR 4178), in section 2(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR ___), is amended as by striking the phrase "commercial property" and inserting the phrase "commercial retail property" in its place.

Sec. 10. Eviction clarification

Section 16-1501 of the District of Columbia Official Code is amended as follows:

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

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

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 60 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section."

Sec. 11. Amenity fees.

Section 211 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.11), is amended as follows:

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

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

"(b) If, during a public health emergency that has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and consistent with applicable law or an order issued by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,

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effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a housing provider temporarily stops providing:

“(1) An amenity that a tenant pays for in addition to the rent charged, then the housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity during the public health emergency; or

“(2) A service or facility that is lawfully included in the rent charged, then the housing provider shall not be required to reduce the rent charged pursuant to subsection (a) of this section.”.

Sec. 12. Residential accommodation cleaning requirements.

(a) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.

(b) For the purposes of this section “housing accommodation” means any structure or building in the District containing one or more residential units that are not occupied by the owner of the housing accommodation, including any apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, or group home.

(c) The Mayor may, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), promulgate rules to implement this section.

Sec. 13. Out of school time report waiver.

Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is amended by adding a new subsection (c) to read as follows:

“(c) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Office of Out of School Time Grants and Youth Outcomes may waive the requirement to conduct an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

Sec. 14. UDC Board of Trustees terms.

Section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), is amended as follows:

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

“(d) All terms on the Board of Trustees shall begin on May 15 and shall end one or 5 years thereafter on May 14. The student member elected pursuant to subsection (c)(2) of this section shall serve for a term of one year. All other members shall serve for a term of 5 years. Depending on the date of the individual’s election or appointment, a member of the Board of Trustees may not actually serve a full term.”.

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

“(e) A member of the Board of Trustees who is elected as an alumnus or alumna pursuant to subsection (c)(3) of this section may be re-elected to serve one additional term, after which the individual may not again be elected pursuant to subsection (c)(3) of this section until at least 5 years have passed following the individual’s last day of service on the Board.”.

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

“(f) A member of the Board of Trustees who is appointed pursuant to subsection (c)(1) of this section may serve 3 full or partial terms consecutively. No member shall serve for more than 15 consecutive years regardless of whether elected or appointed and shall not serve again thereafter until at least 5 years have passed following the individual’s last day of service on the Board.”.

Sec. 15. Notice of modified staffing levels.

Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-504(h-1)(1)(B)), is amended as follows:

(a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(c) A new sub-subparagraph (iii) is added to read as follows:

“(iii) Provide a written report of the staffing level to the Department of Health for each day that the facility is below the prescribed staffing level as a result of circumstances giving rise to a public health emergency during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

Sec. 16. Long-Term Care Facility reporting of positive cases.

Each long-term care facility located in the District shall report daily to the Department of Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the long-term care facility during the period of time for which the Mayor has declared a public

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health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter.

Sec. 17. Contact tracing hiring requirements.

An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), is amended by adding a new section 9a to read as follows

“Sec.9a. Contact tracing hiring requirements.

“Of the number of persons hired by the Department of Health for positions, whether they be temporary or permanent, under the Contact Trace Force initiative to contain the spread of the 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of Health shall establish a goal and make the best effort to hire at least 50% District residents, and for the position of investigator, whether it be a temporary or permanent position, also establish a goal and make the best effort to hire at least 25% graduates from a workforce development or adult education program funded or administered by the District of Columbia.”.

Sec. 18. Shared Work program clarification.

(a) Section 2(5) of the Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171(5)), is amended to read as follows:

“(5) “Normal weekly hours of work” means the usual hours of work for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.”.

(b) Section 102 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is amended as follows:

(1) Subsection (a) is repealed.

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

(A) The amendatory section 5(c) of the Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-174(c)), in paragraph (2) is amended to read as follows:

“(c) A shared work plan shall not be implemented:

“(1) To provide payments to an individual if the individual is employed by the participating employer on a seasonal, temporary, or intermittent basis; or

“(2) During the public health emergency, for employers that have reported quarterly earnings to the Department of Employment Services for fewer than 3 quarters.”.

(B) Paragraph (3) is amended by striking the number “7th” and inserting the number “15th” in its place.

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Sec. 19. Paid sick leave enforcement clarification.

The amendatory section 1152(b-1) of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01(b-1)), in section 104 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is amended to read as follows:

“(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19 emergency or any declared public health emergency, no more than \$500,000 of the money in the Fund may be used for activities related to enforcement of the declared emergency leave requirement contained in section 3a of the Accrued Sick and Safe Leave Act of 2008, effective April 10, 2020 (D.C. Act 23-286; D.C. Official Code § 32-531.02a).”.

Sec. 20. Composting virtual training.

Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended by adding a new paragraph (1A) to read as follows:

“(1A) Notwithstanding paragraph (1) of this subsection, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may provide the training required by paragraph (1) of this subsection remotely through videoconference.”.

Sec. 21. Ballot access reform.

The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

“(3A) For the November 3, 2020, general election:

“(A) Petition sheets circulated in support of a candidate for elected office pursuant to this act may be electronically:

“(i) Made available by the candidate to qualified petition circulators;
and

“(ii) Returned by qualified petition circulators to the candidate; and
“(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.”.

(2) Subsection (j) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “A duly” and inserting the phrase “Except as provided in paragraph (4) of this subsection, a duly” in its place.

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

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“(4) A duly qualified candidate for the following offices for the November 3, 2020, general election may be nominated directly for election to such office by a petition that is filed with the Board not fewer than 90 days before the date of such General Election and signed by the number of voters duly registered under section 7 as follows:

“(A) For Delegate or at-large member of the Council, 250 voters; and

“(B) For member of the Council elected by ward, 150 voters who are registered in the ward from which the candidate seeks election.”.

(3) Subsection (n) is amended as follows:

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

(B) The newly designated paragraph (1) is amended by striking the phrase “Each candidate” and inserting the phrase “Except as provided in paragraph (2) of this subsection, each candidate” in its place.

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

“(2) A duly qualified candidate for the following offices for the November 3, 2020, general election may be nominated directly for election to such office by a petition that is filed with the Board not fewer than 90 days before the date of such General Election and signed by the number of voters duly registered under section 7 as follows:

“(A) For member of the State Board of Education elected at-large, 150 voters; and

“(B) For member of the State Board of Education elected by ward, 50 voters who are registered in the ward from which the candidate seeks election.”.

(b) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

(1) Subsection (g) is amended by striking the phrase “white paper of good writing quality of the same size as the original or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-sided sheet providing numbered lines for 20 printed” and inserting the phrase “paper of good writing quality or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines for printed” in its place.

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

“(g-1) In calendar year 2020:

“(1) Petition sheets of proposers may be electronically:

“(A) Made available by the proposers to qualified petition circulators; and

“(B) Returned by qualified petition circulators to the proposers; and

“(2) Signatures on petition sheets of proposers shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.”.

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Sec. 22. ANC petitioning and grantmaking.

The Advisory Neighborhood Commissions Act of 1976, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

(2) A new paragraph (3) is added to read as follows:

“(3) For the November 3, 2020, general election:

“(A) Candidates for member of an Advisory Neighborhood Commission shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are residents of the single-member district from which the candidate seeks election;

“(B) The petitions of a candidate in subparagraph (A) of this paragraph may be electronically:

“(i) Made available by the candidate to a qualified petition circulator; and

“(ii) Returned by a qualified petition circulator to the candidate; and

“(C) Signatures on a candidate’s petitions shall not be invalidated because the signer was also the circulator of the same petition on which the signature appears.”.

(b) Section 16(m)(1) (D.C. Official Code § 1-309.13(m)(1)) is amended by striking the phrase “District government” and inserting the phrase “District government; except, that notwithstanding any provision of District law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including food or supplies, during the public health emergency, or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government” in its place.

Sec. 23. Remote notarizations.

The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph (1A) to read as follows:

“(1A) “Audio-video communication” means an electronic device or process that:

“(A) Enables a notary public to view, in real time, an individual and to compare for consistency the information and photos on that individual’s government-issued identification; and

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“(B) Is specifically designed to facilitate remote notarizations.”.

(b) Section 6 (D.C. Official Code § 1-1231.05) is amended to read as follows:

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

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

“(b) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual making the statement or executing the signature, notarial acts required or permitted under District law if:

“(1) The notary public and the individual communicate with each other simultaneously by sight and sound using audio-video communication; and

“(2) The notary public:

“(A) Has notified the Mayor of the intention to perform notarial acts using audio-video communication and the identity of the audio-video communication the notary public intends to use;

“(B) Has satisfactory evidence of the identity of the individual by personal knowledge or by the individual’s presentation of a current government-issued identification that contains the signature and photograph of the individual to the notary public during the video conference;

“(C) Confirms that the individual made a statement or executed a signature on a document;

“(D) Receives by electronic means a legible copy of the signed document directly from the individual immediately after it was signed;

“(E) Upon receiving the signed document, immediately completes the notarization;

“(F) Upon completing the notarization, immediately transmits by electronic means the notarized document to the individual;

“(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act for 3 years from the date of the notarial act; and

“(H) Indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and that the notarial act was performed using audio-visual communication.”.

(c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection (d) to read as follows:

“(d) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official

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Code § 7-2304.01), a notarial act shall be deemed to be performed in the District regardless of the notary public's physical location at the time of the notarial act so long as the requirements of section 6(b) are met.”.

Sec. 24. Electronic witnessing.

(a) Title 16 of the District of Columbia Code is amended as follows:

(1) Section 16-4802 is amended as follows:

(A) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(9B) “Electronic presence” means when one or more witnesses are in a different physical location than the designator but can observe and communicate with the designator and one another to the same extent as if the witnesses and designator were physically present with one another.”.

(B) New paragraphs (11A) and (11B) are added to read as follows:

“(11A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(11B) “Sign” means with present intent to authenticate or adopt a record

to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 16-4803 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “the adult signs the designation in the presence of the designator” and inserting the phrase “the adult signs the designation in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

(B) Subsection (d) is amended by striking the phrase “in the presence of 2 witnesses” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of 2 witnesses” in its place.

(b) Title 21 of the District of Columbia Code is amended as follows:

(1) Section 21-2011 is amended as follows:

(A) New paragraphs (5B-i), (5B-ii) are added to read as follows:

“(5B-i) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(5B-ii) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.”.

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(B) New paragraphs (23A) and (23B) are added to read as follows:

“(23A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(23B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 21-2043 is amended by adding a new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

(3) Section 21-2202 is amended as follows:

(A) New paragraphs (3A) and (3B) are added to read as follows:

“(3A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(3B) “Electronic presence” means when one or more witnesses are in a different physical location than the principal but can observe and communicate with the principal and one another to the same extent as if the witnesses and principal were physically present with one another.”.

(B) A new paragraph (6B) is added to read as follows:

“(6B) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.”.

(C) A new paragraph (8) is added to read as follows:

“(8) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the principal was of sound mind” in its place.

(5) Section 21-2210(c) is amended is amended by striking the phrase “There shall be at least 1 witness present” and inserting the phrase “There shall be at least one witness present or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, electronically present” in its place.

(c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 *et seq.*), is amended as follows:

(1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

(A) New paragraphs (6A) and (6B) are added to read as follows:

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“(6A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(6B) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.”.

(B) New paragraph (9A) and (9B) are added to read as follows:

“(9A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(9B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

Sec. 25. Contractor reporting of positive cases.

(a) A District government contractor shall immediately report to the District government’s contract administrator and contracting officer if the contractor learns, or has reason to believe, that a covered employee has come into contact with, had a high likelihood of coming into contact with, or has worked in close physical proximity to a covered individual when either individual was exposed, or suspected to have been exposed, to SARS-CoV-2. The report shall contain the following information:

(1) The name, telephone number, and email address of the covered employee;

(2) The date on, and location at, which the exposed person was exposed, or suspected to have been exposed, to SARS-CoV-2, if known;

(3) All of the covered employee’s tour-of-duty locations or jobsite addresses and the dates on which the employee was at such locations and addresses;

(4) The names of all covered individuals with whom the covered employee is known to have come into contact, or had a high likelihood of coming in contact with, or was in close physical proximity to, while the covered employee performed any duty under the contract with the District; and

(5) Any other information related to the exposed person that will enable the District to protect the health or safety of District residents, employees, or the general public.

(b) A District government contractor shall immediately cease the on-site performance of a covered employee until such time as the covered employee no longer poses a health risk as determined in writing by a licensed health care provider. The District government contractor

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shall provide a written copy of the determination to the contract administrator and the contracting officer before the covered employee returns to his or her tour-of-duty location or jobsite address.

(c) The District shall securely maintain the name, telephone number, and email address of exposed persons and shall not disclose such information to a third party except as authorized or required by law.

(d) For purposes of this section, the term:

(1) "Covered employee" means an employee, volunteer, subcontractor, agent of a District government contractor that has provided any service under a District contract and has

(A) Tested positive for SARS-CoV-2

(B) Is in quarantine or isolation due to exposure or suspected exposure to the SARS-CoV-2; or

(C) Is exhibiting symptoms of COVID-19.

(2) "Covered individual" means:

(A) A District government employee, volunteer, or agent;

(B) An individual in the care of the District or the contractor; and

(C) A member of the public who interacted with, or was in close proximity to, a person exposed to SARS-CoV-2 while the exposed person carried out performance under a District government contract while the exposed person was at a District government facility or a facility maintained or served by the contractor under a District government contract.

(3) "COVID-19" means the disease caused by the novel 2019 coronavirus

(SARS-CoV-2). (4) "District government facility" means a building or any part of a building that is owned, leased, or otherwise controlled by the District government.

(5) "SARS-CoV-2" means the novel 2019 coronavirus.

Sec. 26. Liability clarification.

The amendatory section 5a(d)(3A)(B) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01(d)(3A)(B)), in section 3(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR ___), is amended as follows:

(a) Strike the phrase "volunteer, or District government contractor" and insert the phrase "volunteer, donor, or District government contractor" in its place.

(b) Strike the phrase "purpose, or contractual or voluntary service" and insert the phrase "purpose, contractual or voluntary service, or donation" in its place.

Sec. 27. Jail reporting.

Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)), is amended as follows:

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(a) Paragraph (5)(B) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (7) is added to read as follows:

“(7) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the Council Committee with jurisdiction over the Office a weekly written update containing the following information:

“(A) Unless otherwise distributed to the Chairperson of the Council Committee with jurisdiction over the Office by the Criminal Justice Coordinating Council, a daily census for that week of individuals detained in the Central Detention Facility and Correctional Treatment Facility, categorized by legal status;

“(B) Any District of Columbia Government response to either the United States District Court for the District of Columbia or the Court-appointed inspectors regarding the implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of *Banks v. Booth* (Civil Action No. 20-849), redacted for personally identifiable information; and

“(C) A description of:

“(i) All actions taken by the District Government to improve conditions of confinement in the Central Detention Facility and Correctional Treatment Facility, including by the Director of the Department of Youth and Rehabilitation Services, or Director’s designee; and

“(ii) Without reference to personally identifiable information, COVID-19 testing of individuals detained in the Central Detention Facility and Correctional Treatment Facility, including whether and under what conditions the District is testing asymptomatic individuals.”.

Sec. 28. 8th and O disposition extension.

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

(a) Subsection (b-3) is amended by adding a new paragraph (8) to read as follows:

“(8) Notwithstanding paragraph (2) of this subsection, for the disposition of the District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units shall be for housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs, whether or not the units to be constructed are rental units or ownership units. The Land Disposition and

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Development Agreement in the form approved by Council pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63 DCR 1498), remains in full force and effect, including, without limitation, the Affordable Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at closing.

(b) Subsection (d-7) is amended by striking the date "February 2, 2020" and inserting the date "September 15, 2020" in its place.

Sec. 29. Applicability.

This act shall apply as of March 11, 2020.

Sec. 30. Fiscal impact statement.

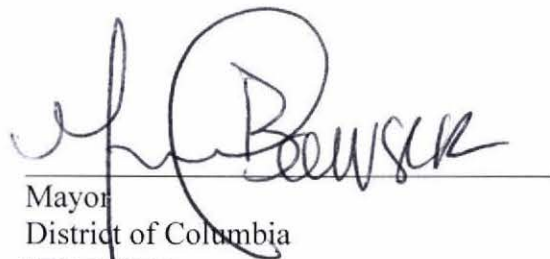
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 31. 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 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
May 18, 2020

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A RESOLUTION

23-412

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2020

To declare the existence of an emergency with respect to authorizing and providing for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$34 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist District of Columbia Bilingual Public Charter School in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Bilingual Public Charter School Revenue Bonds Project Emergency Declaration Resolution of 2020”.

Sec. 2. Emergency legislation is necessary due to the COVID-19 pandemic emergency to ensure that District of Columbia Bilingual Public Charter School can timely enter the bond market to make available funds critically needed to finance, refinance, or reimburse the Borrower for certain costs related to its facility.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Bilingual Public Charter School Revenue Bonds Project Emergency Approval Resolution of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

23-413

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2020

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$34 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist District of Columbia Bilingual Public Charter School in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Bilingual Public Charter School Revenue Bonds Project Emergency Approval Resolution of 2020".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be District of Columbia Bilingual Public Charter School, a corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds

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and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Refinancing of certain existing indebtedness, the proceeds of which were used to finance or refinance the costs of the renovation and refurbishment of the approximate 55,000 square foot historic Keene School at 33 Riggs Road, N.E., Washington, D.C., also known as 55 Riggs Road, N.E., Washington, DC ("Facility");

(B) The development, construction, and equipping, in one or more phases, of an approximately 27,000 square foot, 2-story above-grade addition adjacent to the existing school building, comprising approximately 6 classrooms, multipurpose room, library, entry/reception area, common areas, outdoor play areas, landscaping and other infrastructure improvements;

(C) The purchase of certain equipment and furnishings for the Facility, together with other property, real and personal, functionally related and subordinate thereto;

(D) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

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- (E) Paying capitalized interest and working capital, if deemed necessary in connection with the sale of the Bonds; and
- (F) Paying allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$34 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$34 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the

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District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and

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delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the

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Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

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(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

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Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or

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reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 7 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-414

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2020

To declare the existence of an emergency with respect to the need to adopt expeditiously the Two Rivers Public Charter School Inc. Revenue Bonds Project Emergency Approval Resolution of 2020.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Two Rivers Public Charter School Inc. Revenue Bonds Project Emergency Declaration Resolution of 2020".

Sec. 2. (a) Two Rivers Public Charter School Inc. ("Borrower") has requested that the District of Columbia issue revenue bonds.

(b) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of:

(1) Developing, constructing, renovating, and equipping an educational facility located at 820 26th Street N.E., Washington, D.C. 20019 ("26th Street Facility") and relocating the Borrower's middle school to the 26th Street Facility, which will be operated by the Borrower;

(2) Expanding the Borrower's elementary school located at 1227 4th Street, N.E., into the former site of the middle school at 1234 4th Street N.E., Washington, D.C. ("4th Street Facility"), which will continue to be operated by the Borrower;

(3) The current refunding of the Borrower's Series 2013 District of Columbia Revenue Bonds, which originally financed improvements to the 4th Street Facility;

(4) Refinancing the outstanding amount of existing taxable loans and related expenses, the proceeds of which were used to finance improvements to the 26th Street Facility and the 4th Street Facility;

(5) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(6) Paying swap termination costs, credit costs and working capital, if deemed necessary in connection with the sale of the Bonds; and

(7) Paying allowable Issuance Costs.

ENROLLED ORIGINAL

(c) Due to the contractual obligation of the Borrower to close on the 26th Street Facility by June 10, 2020, it is important to expedite the process for the issuance of the Bonds and avoid any delay that could adversely affect the cost to the Borrower. The Covid-19 pandemic allows entities such as the Borrower to take advantage of very low interest rates and provides them with the opportunity to be in a better financial position during and after the pandemic.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Two Rivers Public Charter School Inc. Revenue Bonds Project Emergency Approval Resolution of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

23-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2020

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$50 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Two Rivers Public Charter School Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Two Rivers Public Charter School Inc. Revenue Bonds Project Emergency Approval Resolution of 2020".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Two Rivers Public Charter School Inc., a corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) The developing, constructing, renovating, and equipping of an educational facility located at 820 26th Street N.E., Washington, D.C. 20019 ("26th Street Facility") and relocating the Borrower's middle school to the 26th Street Facility, which will be operated by the Borrower;

(B) Expanding the Borrower's elementary school located at 1227 4th Street, N.E., into the former site of the middle school at 1234 4th Street N.E., Washington, D.C. ("4th Street Facility"), which will continue to be operated by the Borrower;

(C) The current refunding of the Borrower's Series 2013 District of Columbia Revenue Bonds, which originally financed improvements to the 4th Street Facility;

(D) Refinancing the outstanding amount of existing taxable loans and related expenses, the proceeds of which were used to finance improvements to the 26th Street Facility and the 4th Street Facility;

(E) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(F) Paying swap termination costs, credit costs and working capital, if deemed necessary in connection with the sale of the Bonds; and

(G) Paying allowable Issuance Costs.

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Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$50 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$50 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to,

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determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

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(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

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(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or

ENROLLED ORIGINAL

appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

ENROLLED ORIGINAL

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, approved October 22, 1986 (100 stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 7 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-265

COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and celebrate the accomplishments of Samuel Edward McCoy as he celebrates his 85th birthday on February 28, 2020.

WHEREAS, Samuel Edward McCoy was born on February 28, 1935 in Washington, DC, where he grew up and graduated from Dunbar High School;

WHEREAS, Samuel Edward McCoy joined the United States Naval Reserve at the age of 19, and served the United States in this capacity for 34 years;

WHEREAS, Samuel Edward McCoy graduated from District of Columbia Teachers College in 1962;

WHEREAS, Samuel Edward McCoy has been a member of the Kappa Alpha Psi fraternity for over 50 years, serving in various leadership capacities including a member of the Executive Committee of the fraternity’s signature youth project – WKAY 100 Life Management and Leadership for Court Appointed Youth and a member of the Board of Directors of the Kappa Scholarship Endowment Fund;

WHEREAS, following his graduation, Samuel Edward McCoy began his professional career as a Physical Oceanographer at the former United States Coast and Geodetic Survey before obtaining a Master of Science from Frostburg State University and subsequently his Doctor of Philosophy in Business Administration from California Coast University;

WHEREAS, Samuel Edward McCoy served as Technical Manager and Supervisory Physical Oceanographer for the National Oceanic and Atmospheric Administration, where he prepared comprehensive five-year plans for the overall federal efforts in ocean pollution research and policies and procedures for plan implementation;

ENROLLED ORIGINAL

WHEREAS, while at the National Oceanic and Atmospheric Administration, Samuel Edward McCoy was responsible for the annual preparation, management, and publication of 6 volumes of predicted tides and tidal current tables, earning him The Department of Commerce Special Achievement Award for Special Bicentennial Predictions of Tides and Currents in New York Harbor, 1976;

WHEREAS, in addition to establishing himself as an Expert Oceanographer, Samuel Edward McCoy was also recognized by the Department of Commerce for his pioneering contributions to equal employment opportunities, such as helping to found NOAA Employees Against Discrimination;

WHEREAS, following his retirement continued Samuel Edward McCoy commitment to science through teaching and mentoring students;

WHEREAS, Samuel Edward McCoy was responsible for designing and implementing a program at West Elementary School to teach young students about the marine sciences;

WHEREAS, Samuel Edward McCoy has been a leader in professional, civic, and social organizations most of his life and has had an immense impact on our country, the District and Ward 4; and

WHEREAS, on February 28, 2020, Samuel Edward McCoy will turn 85 years old and will celebrate this special occasion at the Xi Omega Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Samuel Edward McCoy 85th Birthday Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council recognizes Samuel Edward McCoy on his 85th birthday for the impact that he has had on the oceanography field, his advocacy and his innovation in our schools.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize Horace and Dickie’s Seafood for 30 years of serving the community with its signature food in the H Street NE corridor Atlas District on 12th Street, NE.

WHEREAS, Horace and Dickie’s Seafood was established in March 1990 in the heart of D.C.’s H Street NE corridor, better known as the Atlas District;

WHEREAS, Richard “Dickie” Shannon and his good friend Horace began this business through hard work and dedication to serving the community with well-prepared southern style fried fish;

WHEREAS, Richard Shannon became the sole proprietor of Horace and Dickie’s Seafood after Horace passed away, but kept the name as Horace and Dickie’s in memorial to Horace;

WHEREAS, Richard Shannon, with his passion to deliver the best fish in the District of Columbia, selected the best fish distributor to ensure guests received fresh large fillets of whiting, tilapia, catfish and croaker and has prided himself on his direct sourcing to give patrons the best taste each time they visited Horace and Dickie’s;

WHEREAS, after 25 years of serving the District of Columbia community, Richard Shannon’s wife Nancy franchised his trade name and will operate Horace and Dickie’s Seafood in Suitland, Maryland to serve sit down meals and meals to go, continuing in the tradition of serving fresh fried fish with southern style side orders;

WHEREAS, Horace and Dickie’s Seafood has a long history of excellent seafood and a reputation that has been lauded by many guests from the community as well as local and national celebrities;

WHEREAS, Horace and Dickie’s Seafood has been recognized nationally in Southern Cooking magazine and on television by Rachel Ray and Man vs. Food on the Travel Channel; and

WHEREAS, the Horace and Dickie’s Seafood 12th Street NE carryout location is closing on March 1, 2020.

ENROLLED ORIGINAL

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Horace and Dickie’s Seafood Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes and thanks Richard “Dickie” Shannon and the Horace and Dickie’s Seafood family for 30 years of service on 12th Street NE and wishes continued success in providing signature food in the metropolitan area.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize and honor Natalie O. Ludaway for her 5 years of service and many contributions to the Office of the Attorney General for the District of Columbia and for her unyielding commitment to the nation’s capital.

WHEREAS, Natalie O. Ludaway was appointed Chief Deputy Attorney General by Attorney General Karl Racine on February 23, 2015;

WHEREAS, the Office of the Attorney General is the chief legal office of the District of Columbia;

WHEREAS, the Office of the Attorney General enforces the laws of the District of Columbia, defends and provides legal advice to the District of Columbia’s government agencies, and protects the interests of the District’s residents;

WHEREAS, Chief Deputy Ludaway was responsible for managing the daily operations of the ten legal divisions of the Office of the Attorney General as the agency worked to promote the public interest, protect the District of Columbia’s most vulnerable residents, reform juvenile justice, protect consumers, and preserve affordable housing;

WHEREAS, within the Office of the Attorney General, Chief Deputy Ludaway daily work included overseeing and coordinating the office’s representation of the District of Columbia in defensive and affirmative litigation, directing consumer work, overseeing prosecutorial jurisdiction over all juvenile offenses and adult misdemeanors, directing legislative affairs and community engagement, and overseeing the office’s work in offering legal advice to the Executive Branch and other District agencies and officials;

WHEREAS, nearly 20 years prior to joining the Office of the Attorney General, Natalie served as Managing Member of the law firm then known as Leftwich & Ludaway;

WHEREAS, prior to becoming Managing Member, she served as a partner and associate with a focus on civil and commercial litigation and administrative matters;

ENROLLED ORIGINAL

WHEREAS, as a longtime civic leader in the nation's capital, Natalie served for over a decade as a member of the District's Judicial Nomination Commission, which screens and recommends candidates for appointment as judges on the D.C. Superior Court and the D.C. Court of Appeals;

WHEREAS, Natalie has served on several committees and boards including two terms on the D.C. Court of Appeals Committee on Admissions, the D.C. Chamber of Commerce, the Greater Washington Area Chapter of the National Bar Association's Women Lawyers Division, and the Women's Advisory Board of the Girl Scout Council of the Nation's Capital, and has been featured in the *Legal Times* and the *Washington Business Journal*;

WHEREAS, in October of 2019, Attorney General Karl Racine nominated Natalie for the National Association of Attorneys General's Senior Staff of the Year Award; and

WHEREAS, in February 2020, Natalie left public office and returned to the private sector.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Natalie Ludaway Ceremonial Recognition Resolution of 2020."

Sec. 2. The Council of the District of Columbia recognizes and honors Natalie Ludaway for her five years of service and many contributions to the Office of the Attorney General and for her unyielding commitment to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize Florence Gray Patterson on the occasion of her 100th birthday.

WHEREAS, Florence Gray Patterson was born in Aquasco, Maryland, on February 26, 1920, the same year that the Nineteenth Amendment to the United States Constitution, the women's suffrage amendment, was ratified, as the twelfth child of Charles and Bertha Gray;

WHEREAS, Florence Gray Patterson attended St. Michaels Church and for her education, attended Cedarville Elementary School, graduated from Frederick Douglass High School in Upper Marlboro, Maryland in 1937 and attended Maryland Teachers College at Bowie, known today as Bowie State University;

WHEREAS, Florence Gray Patterson relocated to Washington, D.C. and lived with her sister, Vicki, and was a second mother to Vicki's youngest child, Janett;

WHEREAS, Florence Gray Patterson worked at the United States Department of the Navy, first as clerk and then as an Assistant Supervisor of Messengers, and received several awards for her outstanding work;

WHEREAS, Florence Gray Patterson married John A. "Pat" Patterson on November 10, 1942 while he was serving in the U.S. Air Force during World War II, traveled the country extensively to visit him in places like New York, Massachusetts, Connecticut, Alabama and New Jersey, and remained married until Pat died on June 14, 1981;

WHEREAS, Florence Gray Patterson and her husband John. A. "Pat" Patterson became the proud parents of Ann Denise, who was born and raised in Washington, D.C.;

WHEREAS, Florence Gray Patterson worked as a substitute teacher in Prince George's County public schools after leaving the United States Department of the Navy, and then worked in District of Columbia public schools, most recently as a Program Assistant at Shaw Junior High School, until she retired in 1980 after working at Shaw Junior High School for 18 years;

ENROLLED ORIGINAL

WHEREAS, Florence Gray Patterson lived over 50 years in Washington, D.C. and has now lived in Prince George’s County, Maryland for the last 18 years with her daughter and son in law, Dr. Edwin Chapman, where she is a devoted grandmother to two grandchildren, Edwin Jr. and Mia, and great-grandmother to 2 great grandchildren and enjoys spending time with family and friends, slot machines, shopping, playing games like bingo and cards, visiting family and talking about old times;

WHEREAS, Florence Gray Patterson celebrates her 100th Birthday on February 26, 2020.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Florence Gray Patterson Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Florence Gray Patterson for 100 years of life and extends its best wishes for many more healthy and loving years.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize the many contributions of people with developmental disabilities, to emphasize the importance of quality supports and services for people with disabilities, to reaffirm the District’s commitment to building thriving communities inclusive of people with and without disabilities, and to declare the month of March, 2020 as “Developmental Disabilities Awareness Month” in the District of Columbia.

WHEREAS, over 6 million Americans and an estimated 9,000+ District residents have developmental disabilities; and

WHEREAS, government agencies, community organizations, and individual and family leaders work together to ensure that people with developmental disabilities experience full access to education, housing, employment, recreational activities, and other community resources; and

WHEREAS, we believe that inclusion of people with developmental disabilities in our communities, workplaces, and schools makes us all better off; and

WHEREAS, the District is committed to recognizing that every person, regardless of disability, has gifts and talents, infinite capacity to learn and make decisions, and the capability to make important contributions to their communities if given opportunities to do so; and

WHEREAS, creating inclusive, supportive, and thriving environments is everyone’s responsibility;

WHEREAS, 2020 marks the 31st anniversary of DC’s self-advocacy coalition, Project ACTION!, which has achieved countless successes in advocating for the rights of people with disabilities; and

WHEREAS, March 2020, is the 34th anniversary of the original Developmental Disabilities Awareness Month recognition declared by President Reagan in 1987.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Developmental Disabilities Awareness Month Recognition Resolution of 2020”.

Sec. 2. The Council recognizes the contributions of people with developmental disabilities and declares the month of March 2020 as “Developmental Disabilities Awareness Month”, as a confirmation of the District’s continued support for residents with developmental disabilities and those who support them to achieve their goals.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize Clay Day of 2019 in the Richardson Dwellings community of Ward 7.

WHEREAS, Clay Day marks the time when the active Resident Council for Richardson Dwellings, stakeholders, providers, and local government come together to coordinate a fun-filled day of festivities for the residents of Ward 7, in the Richardson Dwellings community, also known as “Clay Terrace,” and to recognize the day as Clay Day;

WHEREAS, Clay Day marks the day when the community comes together collectively, working together in a spirit of unity to ensure that the day is met with peace, joy, thanksgiving, and to provide a safe place for children, youth, families and elders to reflect on what it means to have and celebrate community and be celebrated;

WHEREAS, on Clay Day, children, youth, families and elders have a strong sense of community as it was experienced decades ago, when the village worked together to ensure that children and youth were safe playing with one another in their own community, the threat of violence was not the norm and families and elders did not fear for their lives and the lives of their loved ones because the community was united and strong; and

WHEREAS, on Clay Day, the active Resident Council body of Richardson Dwellings hopes that its vision of recreating a strong sense of community where neighbors work, live and play together and stand united restores the strength of their community for the safety and well-being of all who live and dwell at Richardson Dwellings, also known as “Clay Terrace.”

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Clay Day 2019 Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes Clay Day and the Richardson Dwellings community’s efforts to raise awareness for recapturing and recreating a strong sense of community.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize the contributions of transgender, gender non-conforming and non-binary residents in the District of Columbia, and to commemorate May Is? “All About Trans” month in the District of Columbia.

WHEREAS, in 2007, the first Trans Pride event attracted almost 200 participants to celebrate transgender, gender diverse, gender non-conforming, and non-binary people while exchanging resources and ideas;

WHEREAS, in 2018, community members decided to build on the success and legacy of Trans Pride in order to further develop community conversations and understanding and established May Is? “All About Trans” to that end;

WHEREAS, these events host approximately 1000 participants throughout the month of May;

WHEREAS, for 2020, May Is? “All About Trans” honors many transgender communities, including Latinx, African American, and Native American, throughout the month with conversations and workshops focused on health, HIV, violence, healthy relationships, unemployment, rejection, mental health, youth, and more;

WHEREAS, the District of Columbia strives to be a welcoming and supportive place for all communities, including those who are marginalized or face discrimination such as transgender, gender non-conforming and non-binary people;

WHEREAS, lifting up and celebrating transgender people is especially important in the contemporary political climate rife with attacks on transgender people; and

WHEREAS, May Is? “All About Trans” empowers the community and furthers our shared goals of diversity and acceptance;

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “May Is? “All About Trans” Month Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes the contributions of transgender, gender non-conforming, and non-binary residents to the District of Columbia and commemorates May Is? “All About Trans” month in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-272

COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To recognize the 15th Anniversary of the first official District of Columbia Emancipation Day on April 16, 2020 as an important day in the history of the District of Columbia and the United States in that on April 16, 1862, President Abraham Lincoln signed the Compensated Emancipation Act which freed 3,100 slaves in the District of Columbia.

WHEREAS, on April 16, 1862, President Abraham Lincoln signed the “District of Columbia Compensated Emancipation Act” during the Civil War;

WHEREAS, the District of Columbia Compensated Emancipation Act provided for immediate emancipation of 3,100 enslaved men, women, and children of African descent held in bondage in the District of Columbia;

WHEREAS, the Act authorized compensation of up to \$300 for each of the 3,100 enslaved men, women, and children held in bondage by those loyal to the Union, voluntary colonization of the formerly enslaved to colonies outside of America, and payments of up to \$100 to each formerly enslaved person who agreed to leave America;

WHEREAS, the District of Columbia Compensated Emancipation Act authorized the federal government to pay approximately one million dollars, in 1862 funds, for the freedom of 3,100 enslaved men, women, and children of African descent in the District of Columbia;

WHEREAS, the Act ended the bondage of 3,100 enslaved men, women, and children of African descent in the District of Columbia, and made them the "first freed" by the federal government during the Civil War;

WHEREAS, nine months after the signing of the District of Columbia Compensated Emancipation Act, on January 1, 1863, President Lincoln signed the Emancipation Proclamation

ENROLLED ORIGINAL

of 1863, to begin to end institutionalized enslavement of people of African descent in Confederate states;

WHEREAS, on April 9, 1865, the Confederacy surrendered, marking the beginning of the end of the Civil War, and on August 20, 1866, President Andrew Johnson signed a Proclamation—Declaring that Peace, Order, Tranquility and Civil Authority Now Exists in and Throughout the Whole of the United States of America;

WHEREAS, in December 1865, the 13th Amendment to the United States Constitution was ratified establishing that “ Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”;

WHEREAS, in April 1866, to commemorate the signing of the District of Columbia Compensated Emancipation Act of 1862, the formerly enslaved people and others, in festive attire with music and marching bands, started an annual tradition of parading down Pennsylvania Avenue, proclaiming and celebrating the anniversary of their freedom;

WHEREAS, the District of Columbia Emancipation Day Parade was received by every sitting President of the United States from 1866 to 1901;

WHEREAS, on March 8, 2000 at the Twenty Seventh Legislative Session of the Council of the District of Columbia, Councilmember Vincent B. Orange, Sr. (D-Ward 5) authored and introduced, with Carol Schwartz (R-At large) the historic District of Columbia Emancipation Day Emergency Amendment Act of 2000, effective April 3, 2001, D.C. Law 13-237; D.C. 31 Official Code §§ 1-612.02a, 32-1201;

WHEREAS, the District of Columbia Emancipation Day Emergency Amendment Act of 2000 was passed unanimously by the Council, and signed into law on March 23, 2000 by Mayor Anthony A. Williams to establish April 16th as a legal private holiday;

WHEREAS, on April 16, 2000, to properly preserve the historical and cultural significance of the District of Columbia Emancipation Day, Councilmember Orange hosted a celebration program in the historic 15th Street Presbyterian Church, founded in 1841 as the First Colored Presbyterian Church;

ENROLLED ORIGINAL

WHEREAS, on April 16, 2002, after a one-hundred-year absence, the District of Columbia, spearheaded by Councilmember Orange with the support of Mayor Anthony Williams, returned the Emancipation Day Parade, to Pennsylvania Avenue, NW along with public activities on Freedom Plaza and evening fireworks (D.C. Official Code § 1 -182);

WHEREAS, on November 30, 2004, the District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 16, 2005 (D.C. Law 15-240; D.C. Official Code § 1-181 5 et seq.), established the Emancipation Day Fund to receive and disburse monies for the Emancipation Day Parade and activities associated with the celebration and commemoration of the District of Columbia Emancipation Day;

WHEREAS, on January 4, 2005, the District of Columbia Emancipation Day Amendment Act of 2004, effective April 5, 2005 (D.C. Law 15-288; D.C. Official Code § 1-11 612.02(a)(11)), established April 16th as a legal public holiday;

WHEREAS, on April 16, 2005, District of Columbia Emancipation Day was observed for the first time as a legal public holiday, for the purpose of pay and leave of employees scheduled to work on that day (D.C. Official Code § 1-612.02(c)(2));

WHEREAS, the Council of the District of Columbia remembers and pays homage to the 23 million people of African descent enslaved for more than 2 centuries in America for their courage and determination;

WHEREAS, the Council of the District of Columbia remembers and pays homage to President Abraham Lincoln for his courage and determination to begin to end the inhumanity and injustice of institutionalized slavery by signing the District of Columbia Compensated Emancipation Act on April 16, 1862; and

WHEREAS, on April 16, 2020, the District of Columbia will officially celebrate District of Columbia Emancipation Day for the 15th time.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Emancipation Day Establishment 15th Anniversary Ceremonial Recognition Resolution of 2020”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes 15th Anniversary of the first, official District of Columbia Emancipation Day and the 158th Anniversary of District of Columbia Emancipation Day as an important, historic occasion for the District of Columbia and the nation and serves as an appropriate time to reflect on how far the District of Columbia and the United States have progressed since institutionalized enslavement of people of African descent; and, most importantly, the 158th Anniversary reminds us to reaffirm our commitment to forge a more just and united country that truly reflects the ideals of its founders and instills in its people a broad sense of duty to be responsible and conscientious stewards of freedom and democracy.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-274

COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2020

To celebrate and recognize March 27, 2020 as International Social Emotional Learning (SEL) Day in the District of Columbia.

WHEREAS, social emotional learning is the process through which children and adults require and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy towards others, establish and maintain positive relationships, and make responsible decisions;

WHEREAS, people with strong social-emotional skills are better able to cope with everyday challenges and benefit academically, professionally, and socially;

WHEREAS, social emotional learning provides a foundation for positive, long-term effects on kids, adults, and communities by teaching students skills such as effective problem-solving, self-discipline, impulse control, emotion management, and more;

WHEREAS, studies have shown that students who participate in evidence-based social emotional learning programs show increased gain in academic achievement compared to those who do not participate in social and emotional learning programs;

WHEREAS, social emotional learning also results in positive behavior and healthier life choices overall, which stays with the students for life;

WHEREAS, in 2018, the Council of the District of Columbia passed the Student Fair Access to School Act, which jumpstarted the implementation of Social Emotional Learning in the District of Columbia;

WHEREAS, in February 2020, Councilmember Brandon T. Todd introduced the Social Emotional Learning Task Force Establishment Act of 2020, which would establish a task force to study issues relating to the best practices for the promotion of social emotional learning in schools, promote and expand social emotional learning, and make legislative recommendations to the Council;

WHEREAS, March 27, 2020 is International Social and Emotional Learning Day and the District will join hundreds of other jurisdictions and organizations in celebrating the importance of social emotional learning.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “International Social Emotional Learning Day Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes the importance and effectiveness of social emotional learning and joins the rest of the world in celebrating its importance by declaring March 27, 2020 International Social Emotional Learning Day in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 3, 2020

To recognize and applaud Maurice J. Queen for 50 years of devoted service to the District of Columbia and to honor his achievements as a local businessman, educator, mentor, cowboy, and Pony Man.

WHEREAS, as a native Washingtonian who attended the Washington Technical Institute, now known as the University of the District of Columbia, Mr. Queen joined the District's Department of Public Works (DPW) sanitation division in 1969;

WHEREAS, Mr. Queen served as a sanitation technician for over 50 years, principally working in upper northwest region of the District in Ward 3. And, upon his retirement, Mr. Queen will have earned the distinction of being the District's longest-serving collector;

WHEREAS, among residents, Mr. Queen has earned a reputation as being a dedicated and service-oriented DPW employee; among his peers, Mr. Queen is a respected and beloved colleague. In both regards, Mr. Queen has set the standard for public service;

WHEREAS, in addition to his fulltime work for the District, Mr. Queen is also a local business owner and experienced horseman who previously competed as a professional rodeo cowboy for seven years in the national circuit under the mentorship of Pro Rodeo Hall of Famer, and fellow African American bull rider, Charles Sampson;

WHEREAS, since retiring from the rodeo, Mr. Queen has acquired a farm and built a popular business, entitled Ponies Unlimited, through which he is able to share his love and joy of horseback riding with adults, teens, and children in the greater Washington region. And it was through Mr. Queen's business that he became fondly known as "The Pony Man;"

WHEREAS, Mr. Queen serves as a youth mentor and community leader through his devoted service as a Deacon at the Southern Baptist Praise and Worship Center in Ward 6. Mr. Queen also established a horseman program with the aim to help develop young men through the stewardship and riding of horses. In his service as a Deacon and since establishing the horseman program, Mr. Queen has mentored over 50 young men in the community;

ENROLLED ORIGINAL

WHEREAS, Mr. Queen is a prominent local educator teaching the important history and influence of African American cowboys in the Old American West, a time when historians estimate that 1 in 4 cowboys were black; and

WHEREAS, Mr. Queen's outstanding career in the Department of Public Works and lifelong dedication to horsemanship is a reminder to all that hard work and the pursuit of one's life's passion can both inspire personal fulfillment and bring great benefit to others.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Maurice J. Queen Recognition Resolution of 2020".

Sec. 2. The District of Columbia is grateful for Mr. Queen's 50 years of service to the public and celebrates his career as a Department of Public Works employee, businessman, educator, mentor, cowboy, and Pony Man.

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

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

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

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

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

B23-0752 Nurse Staffing Agency Amendment Act of 2020

Intro. 05-07-2020 by Chairman Mendelson and referred to the Committee on Health

B23-0753 2323 Pennsylvania Avenue Southeast Redevelopment Project Real Property Limited Tax Abatement Act of 2020

Intro. 05-13-2020 by Councilmember Gray and referred to the Committee on Business and Economic Development

B23-0754 800 Kenilworth Avenue Northeast Redevelopment Project Real Property Limited Tax Abatement Act of 2020

Intro. 05-13-2020 by Councilmember Gray and referred to the Committee on Business and Economic Development

PR23-0809 Survivors and Advocates for Empowerment – DC SAFE Revenue Bonds Project Approval Resolution of 2020

Intro. 05-06-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-0812 Meridian Public Charter School Revenue Bonds Project Approval Resolution of 2020

Intro. 05-06-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-0815 Latin American Montessori Bilingual Public Charter School Revenue Bonds Project Approval Resolution of 2020

Intro. 05-12-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-0816 Home Support Agency Rulemaking Approval Resolution of 2020

Intro. 05-14-2020 by Chairman Mendelson and referred to the Committee on Health

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

5/19/2020

SUMMARY

May 18, 2020	Mayor Transmits the Fiscal Year 2021 Proposed Budget and Financial Plan and Associated Documents to the Council of the District of Columbia
May 19, 2020	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan
May 20, 2020 to June 16, 2020	Committee Public Hearings on the "Fiscal Year 2021 Local Budget Act of 2020." The Committees may also receive testimony on sections of the Fiscal Year 2021 Budget Support Act that affect the agencies within each Committee's purview
June 17 - 18, 2020	Committee of the Whole Public Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," "Fiscal Year 2021 Budget Support Act of 2020," and the "Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act of 2020"
June 23 - 25, 2020	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2021
June 29, 2020	Budget Work Session - TBD
July 7, 2020	Committee of the Whole and Council consideration of the "Fiscal Year 2021 Local Budget Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"
July 21, 2020	Council Consideration of the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," and the "Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act of 2020"
July 28, 2020	Council Consideration of the "Fiscal Year 2021 Budget Support Act of 2020"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2021 Proposed Budget and Financial Plan, the "Fiscal Year 2021 Local Budget Act of 2020," the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," "Fiscal Year 2021 Budget Support Act of 2020" and the Fiscal Year 2020 Local Budget Emergency Adjustment Act of 2020". The hearings will begin Wednesday, May 20, 2020 and conclude on Tuesday, June 16, 2020. The Committee mark-ups will begin Tuesday, June 23, 2020 and conclude on Thursday, June 25, 2020.

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

Please refer to the specific instructions, found at the end of this notice, on how each Committee will operate their hearings. All hearings listed in this notice will broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov.

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

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Date Changed</u>	<u>Hearing Change</u>
5/27/2020	N/A	5/5/2020	Committee of the Whole (Office on Zoning); Time: Noon - 3:00 p.m.
5/28/2020	5/18/2020	5/12/2020	Committee on Housing & Neighborhood Revitalization - Public Witnesses; Time: 3:00 p.m. - 6:00 p.m.
5/28/2020	5/18/2020	5/12/2020	Committee on Labor & Workforce Development - Public Witnesses; Time: 9:00 a.m. - Noon
6/4/2020	5/28/2020	5/12/2020	Committee on Labor & Workforce Development - Government Witnesses; Time: 9:00 a.m. - Noon
6/8/2020	N/A	5/12/2020	Committee on Housing & Neighborhood Revitalization - Public Witnesses; Time: 9:00 a.m. - Noon
6/8/2020	6/8/2020	5/12/2020	Committee on Housing & Neighborhood Revitalization - Government Witnesses; Time Change: Noon - 3:00 p.m.
6/9/2020	5/15/2020	5/12/2020	Committee on the Judiciary and Public Safety - Government Witnesses; Time: Noon - 6:00 p.m.
6/10/2020	5/14/2020	5/12/2020	Committee on Government Operations - Government Witnesses; Time: 9:00 a.m. - Noon
6/11/2020	5/14/2020	5/12/2020	Committee on Government Operations - Government Witnesses; Time: 3:00 p.m. - 6:00 p.m.
6/12/2020	5/15/2020	5/12/2020	Committee on Government Operations - Government Witnesses; Time: 9:00 a.m. - 6:00 p.m.
6/15/2020	N/A	5/12/2020	Committee on Housing & Neighborhood Revitalization - Public & Government Witnesses; Time: 9:00 a.m. - Noon
6/15/2020	N/A	5/12/2020	Committee on Housing & Neighborhood Revitalization - Government Witnesses; Time Change: Noon - 3:00 p.m.
6/16/2020	5/14/2020	5/12/2020	Committee on Business & Economic Development; Public Witnesses; Time: 9:00 a.m. - 3:00 p.m.
6/17/2020	5/19/2020	5/12/2020	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," the "Fiscal Year 2021 Budget Support Act of 2020," and the "Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act of 2020"; Time: Noon - 6:00 p.m.
6/18/2020	5/20/2020	5/12/2020	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," the "Fiscal Year 2021 Budget Support Act of 2020," and the "Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act of 2020"; Time: 9:00 a.m. - 6:00 p.m.

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

TUESDAY, MAY 19, 2020; via Virtual Meeting Platform	
Time	Subject
Noon - 6:00 p.m.	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON FACILITIES & PROCUREMENT

Chairperson Robert C. White, Jr.

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

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

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

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

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

COMMITTEE ON RECREATION & YOUTH AFFAIRS

Chairperson Trayon White, Jr.

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

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

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

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

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

COMMITTEE ON FACILITIES & PROCUREMENT

Chairperson Robert C. White, Jr.

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

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

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

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

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

THURSDAY, MAY 28, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - Noon	Public Witness Testimony for Agencies under Purview

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

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

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

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

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

THURSDAY, MAY 28, 2020; via Virtual Meeting Platform	
Time	Agency (Public Witnesses Only)
3:00 p.m. - 6:00 p.m.	Rental Housing Commission
	Real Property Tax Appeals Commission
	Board of Real Estate Appraisers
	Real Estate Commission
	Office of the Tenant Advocate
	District of Columbia Housing Authority

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THURSDAY, JUNE 4, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Department of Employment Services

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

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

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

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

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

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

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

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

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

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

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

MONDAY, JUNE 8, 2020; via Virtual Meeting Platform	
Time	Agency (Public Witnesses Only)
9:00 a.m. - Noon	Department of Housing & Community Development
	Housing Production Trust Fund
	Housing Finance Agency

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

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

MONDAY, JUNE 8, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Rental Housing Commission
	Real Property Tax Appeals Commission
	Board of Real Estate Appraisers
	Real Estate Commission
	Office of the Tenant Advocate
	District of Columbia Housing Authority

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

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

TUESDAY, JUNE 9, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement

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

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

TUESDAY, JUNE 9, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Office of the Attorney General
	Fire and Emergency Medical Services Department
	Office of Unified Communications

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

Wednesday, June 10, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Office on African Affairs
	Office on African American Affairs
	Office on Asian and Pacific Islander Affairs
	Office on Latino Affairs
	Office of Lesbian, Gay, Bisexual, Transgender & Questioning Affairs
	Office of Nightlife and Culture
	Office of Veterans Affairs

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

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

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

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

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

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

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, JUNE 11, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Office of the Secretary

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

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

FRIDAY, JUNE 12, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 6:00 p.m.	Office of the Inspector General
	Office of Cable Television, Film, Music & Entertainment
	Office of the Chief Technology Officer
	Office of Risk Management
	Office of Administrative Hearings
	Office of Human Rights

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

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

MONDAY, JUNE 15, 2020; via Virtual Meeting Platform	
Time	Agency (Public & Government Witnesses)
Noon - 3:00 p.m.	Department of Aging and Community Living

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

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

MONDAY, JUNE 15, 2020; via Virtual Meeting Platform	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	Department of Housing & Community Development
	Housing Production Trust Fund
	Housing Finance Agency

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

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

TUESDAY, JUNE 16, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - 3:00 p.m.	Public Witness Testimony for Agencies under Purview

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, JUNE 17, 2020; via Virtual Meeting Platform	
Time	Agency
12:00 p.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," "Fiscal Year 2021 Budget Support Act of 2020," and the "Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act of 2020"

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, JUNE 18, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020," "Fiscal Year 2021 Budget Support Act of 2020," and the "Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act of 2020"

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

COMMITTEE MARK-UP SCHEDULE**TUESDAY, JUNE 23, 2020; via Virtual Meeting Platform**

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

WEDNESDAY, JUNE 24, 2020; via Virtual Meeting Platform

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

THURSDAY, JUNE 25, 2020; via Virtual Meeting Platform

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

INSTRUCTIONS FOR PUBLIC PARTICIPATION (Updated 5/19/2020)

Due to the COVID-19 public health emergency declaration, the Council must alter the budget process to comply with social distancing and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including, but not limited to, the use of teleconferencing platforms to hold public hearings. Written or transcribed testimony from the public regarding the Fiscal Year 2021 budget is **highly encouraged** and will be taken by email or voice mail.

Voicemail Testimony: Each committee has a unique voicemail number set up to accept budget testimony. The voicemail program automatically limits each message to three minutes. At the beginning of the message please state and spell your name clearly, provide the name of the organization you are representing and title (if any), and then begin your testimony. The voicemail program automatically limits each message to three minutes and generates an automated transcript of each message, which will be included as written testimony in the committee hearing record.

Virtual Meeting Platform: Each committee will be using either Zoom or WebEx to conduct its hearings. Specific instructions on how each hearing will be conducted is described below. **Hearings will broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov.**

Interpretation: Witnesses who anticipate needing spoken language interpretation, or require closed captioning, are requested to inform the Committee conducting the hearing of the need as soon as possible but no later than five (5) business days before the proceeding. The Committee 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.

Committee of the Whole (COW)

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

Wednesday, June 17, 2020: Noon – 6:00 p.m.

Thursday, June 18, 2020: 9:00 a.m. – 6:00 p.m.

Submitting Testimony:

- Written testimony: email cow@dccouncil.us
- Voicemail testimony: (202) 430-6948
- Testimony received by close of business on **Tuesday, June 16, 2020** will be posted publicly to <http://www.chairmanmendelson.com/FY2021> prior to the hearing
- All testimony received will be made part of the official record
- The hearing record will close at 5:00 p.m. on June 26, 2020

Testifying Live:

- Email: cow@dccouncil.us and include your preferred call-in day, name, telephone number, organizational affiliation and title (if applicable) by close of business **Monday, June 15, 2020**

- The Committee will provide each witness a phone number, access instructions, and time to call in to provide testimony
- Witnesses will be limited to 2 minutes
- Only one member from each organization may provide live testimony
- The witness list detailing the panels will be circulated by close of business **Monday, June 15, 2020**

**Committee of the Whole
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email cow@dccouncil.us
- Voicemail testimony: (202) 430-6948
- All testimony received will be made part of the official record and posted publicly to <http://www.chairmanmendelson.com/FY2021>. Testimony provided in advance will be posted prior to the start of the hearing
- The hearing record will close at 5:00 p.m. on June 3, 2020

Testifying Live:

- If you would like to be invited to testify, send email to: cow@dccouncil.us and provide your name, address, phone number, organizational affiliation and title (if any) by close of business 2 days prior to the hearing
- The Committee will confirm whether you have a live testimony slot
- Persons who testify live must submit electronic written testimony to the Committee by close of business the day before the hearing
- Witnesses will be limited to 2 minutes
- Only one member from an organization will be permitted to testify live

**Committee on Business and Economic Development
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: Complete the witness form at <https://forms.gle/njgMLQ47BfQhhoX36>
- Voicemail testimony: Complete the witness form at <https://forms.gle/njgMLQ47BfQhhoX36> first, then call (202) 430-5122
- All testimony received will be made part of the official record
- The hearing record will close at 5:00 p.m. on June 3, 2020.

Testifying Live:

- Complete Witness Form at <https://forms.gle/njgMLQ47BfQhhoX36>
- The witness list will open on June 9, 2020, at 9:00 a.m. and close on June 12, 2020, at 5:00 p.m.
- Participation is limited; witnesses accepted on a first-come, first-served basis

- The Committee will confirm whether you have a live testimony slot and provide additional instructions at that time
- Witnesses will be limited to 3 minutes each
- Organizations are limited to one witness

**Committee on Education
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email astrange@dccouncil.us and indicate that your email is testimony in the subject line
- Voicemail testimony: (202) 430-5720
- Testimony received 48 hours before the hearing will be sent to all Councilmembers and the agency representative
- All testimony received will be made part of the official record

Testifying Live:

- By invitation only

**Committee on Facilities and Procurement
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email facilities@dccouncil.us
- Voicemail testimony: (202) 455-4338
- All testimony received will be made part of the official record
- The record will close 5 business days after the conclusion of each hearing

Testifying Live:

- Email: facilities@dccouncil.us or call 202-741-8593 and provide name, phone number or e-mail, organizational affiliation, and title (if any), by close of business two days before the hearing
- Witnesses are encouraged to submit testimony in advance to facilities@dccouncil.us
- Live testimony will use audio only
- Only the first 35 witnesses to sign-up will provide oral testimony; the Committee will confirm whether you have a live testimony slot and follow up with additional instructions
- Individuals will be limited to 3 minutes each, ANCs will be allowed 4 minutes
- Only one member from each organization will be permitted to testify

**Committee on Government Operations
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email governmentoperations@dccouncil.us
- Voicemail testimony: (202) 430-6322
- All testimony received will be made part of the official record
- The record will close at 5:00 p.m. on Saturday, June 20, 2020

Testifying Live:

- Government Witnesses Only
- To view the budget hearings from within the virtual platform, email governmentoperations@dccouncil.us with your name, organization, email, device name (if using video) and phone number by 5:00 p.m. on June 8, 2020. If you don't receive an email confirmation by June 10, please email governmentoperations@dccouncil.us

**Committee on Health
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email Malcolm Cameron at mcameron@dccouncil.us with "Testimony" in the subject line
- Voicemail testimony: (202) 350-1828
- All written testimony received prior to the hearing will be circulated to all Councilmembers and staff
- All testimony received will be made part of the official record
- The record will close at 5:00 p.m. on Saturday, June 6, 2020

Testifying Live:

- Email: Malcolm Cameron at mcameron@dccouncil.us or call 202-341-4425 by 5:00 p.m. on Friday, May 29, 2020 and provide your name, organization (if any), email address, device name (if you are using video), phone number, and the agency or agencies you wish to discuss
- Confirmations will be sent out by email by 5:00 p.m. on Monday, June 1, 2020
- Individuals will be listed in the order they signed up and grouped in panels of four by the agency they are testifying about
- Witnesses will be limited to 3 minutes
- Due to technological limitations, only the first six hours of the hearing will be broadcast, however, the Councilmember will remain via the virtual platform to hear all witnesses who have signed up to testify

**Committee on Housing and Neighborhood Revitalization
Agency Budget Oversight**

Submitting Testimony:

- Written testimony – Email: housing@dccouncil.us or mail to: The Office of At-Large Councilmember Bonds, 1350 Pennsylvania Ave. NW, Suite 404, Washington, DC 20004
- Voicemail testimony – Call: (202) 350-0894
- All testimony received will be made part of the official record
- The hearing record will close at 5:00 p.m. on June 19, 2020

Testifying Live:

- The Committee on Housing and Neighborhood Revitalization will provide slots for witnesses to testify on a first-come, first-serve basis
- If you would like to sign up to testify live, send an email to housing@dccouncil.us, and we will email you a link to access the virtual hearing. Please include your name, address, phone number, organizational affiliation, and title (if any), your preferred email address, and the name of the agency or program that you are testifying about
- If you would like to testify by phone, please call 202-724-8064 and leave your name and phone number. The committee will call you before the hearing to make sure that you are connected
- The Committee will contact all witnesses by phone or email on the day before the hearing to confirm that they have received a slot
- Please sign up to testify no later than the close of business two days prior to your hearing date
- Witnesses will be limited to 3 minutes
- The committee encourages only one witness per organization

**Committee on Human Services
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email humanservices@dccouncil.us
- Voicemail testimony: (202) 350-1927
- All testimony received will be made part of the official record
- The hearing record will close 1 week after the hearing

Testifying Live:

- Email: humanservices@dccouncil.us or call 202-724-8170, and provide name, phone number, organizational affiliation, and title (if any), by close of business 4 days before each hearing date
- The first 90 individuals to signup will provide oral testimony; the Committee will confirm whether you have a live testimony slot
- Witnesses will be limited to 3 minutes
- Only one member per organization will be permitted to testify per agency

Committee on the Judiciary and Public Safety (Updated 5/19/2020)
Agency Budget Oversight

Submitting Testimony:

- Written testimony: email judiciary@dccouncil.us
- Voicemail testimony: (202) 350-1362 and follow the instructions on the recording
- Video testimony: upload a 3-minute video to the Committee's Dropbox folder using a mobile or desktop device by following the instructions here:
<http://www.charlesallenward6.com/committee>
- All testimony received will be made part of the official record, uploaded on the Council's and Council Budget Office's website, and posted here:
<http://www.charlesallenward6.com/committee>
- The hearing record will close June 16, 2020

Testifying Live:

- Government Witnesses Only
- Join the Committee for a Facebook Live Town Hall:
<https://www.facebook.com/events/281514139682684/>

Committee on Labor and Workforce Development
Agency Budget Oversight

Submitting Testimony:

- Written testimony: Email: labor@dccouncil.us
- Voicemail testimony: (202) 455-0153
- All testimony received will be made part of the official record
- The hearing record will close at 5:00 p.m. on June 8, 2020

Testifying Live:

- Email: labor@dccouncil.us by 12:00 p.m. on Tuesday, May 26, 2020 and provide name, email address, telephone number, organizational affiliation and job title (if any), and which agency(ies) you will testify about
- Witnesses may participate by phone or online. Due to limited space, the Committee will likely not be able to accommodate all requests to testify. The Committee will email instructions on how to participate to those who have signed up and will be able to participate live. The virtual hearing will be password protected and witnesses may not share the password
- Witnesses will be limited to 3 minutes
- The committee encourages only one witness per organization; however, one staff member and one program participant would be acceptable
- Those with written testimony are encouraged to email testimony two days in advance of hearing by May 26

**Committee on Recreation and Youth Affairs
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: Email: rya@dccouncil.us
- Voicemail testimony: (202) 350-1639
- All testimony received will be made part of the official record
- The hearing record will close one week after the hearing date

Testifying Live:

- Email: rya@dccouncil.us
- The Committee will confirm whether you have a live testimony slot
- Individuals will be limited to 1 minute and organizations will be limited to 2 minutes
- Only one member per organization will be permitted to testify

**Committee on Transportation and the Environment
Agency Budget Oversight**

Submitting Testimony:

- Written testimony: email Aukima Benjamin at (abenjamin@dccouncil.us)
- Voicemail testimony: (202) 350-1344
- Testimony submitted 24hrs in advance of hearing will be shared with members of the Committee and Agency staff
- All testimony received will be made part of the official record
- The hearing record will close one week after hearing date

Testifying Live:

- Government Witnesses Only

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-756, Medical Marijuana Program Patient Employment Protection Temporary Amendment Act of 2020, and **B23-758**, Coronavirus Support Temporary Amendment Act of 2020, were adopted on first reading on May 19, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 9, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

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

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

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

Telephone: 724-8050

GBM 23-81: FY 2020 Grant Budget Modifications of May 1, 2020

RECEIVED: 2-day review begins May 18, 2020

GBM 23-82: FY 2020 Grant Budget Modifications of May 5, 2020

RECEIVED: 2-day review begins May 18, 2020

GBM 23-83: FY 2020 Grant Budget Modifications of May 9, 2020

RECEIVED: 2-day review begins May 19, 2020

GBM 23-84: FY 2020 Grant Budget Modifications of May 11, 2020

RECEIVED: 2-day review begins May 19, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: March 6, 2020
Protest Petition Deadline: April 20, 2020
Roll Call Hearing Date: May 4, 2020

License No.: ABRA-095249
Licensee: El Pulgarcito Restaurant, LLC
Trade Name: El Pulgarcito
License Class: Retailer’s Class “C” Tavern
Address: 5313 Georgia Avenue, N.W.
Contact: Stephen O’ Brien: (202) 625-7700

WARD 4 ANC 4D SMD 4D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 4, 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 CHANGE

The licensee is requesting to install three (3) Dragon’s Ascent electronic games of skill machines.

CURRENT HOURS OF OPERATION

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

CUERRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10am – 2am, Monday through Thursday 9am – 2am, Friday and Saturday 9am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 22, 2020
Protest Petition Deadline: July 27, 2020
Roll Call Hearing Date: August 10, 2020
Protest Hearing Date: October 21, 2020

License No.: ABRA-116861
Licensee: Taste Select Repeat, LLC
Trade Name: Taste Select Repeat
License Class: Retailer's Class "A" Internet
Address: 1618 Bladensburg Road, N.E.
Contact: Orlando Lima: (917) 749-8045

WARD 5

ANC 5C

SMD 5C04

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 August 10, 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 **October 21, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Class "A" Internet Retailer selling beer, wine, and spirits online only. The licensed location is not accessible to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Saturday and Sunday 10am – 5pm, Monday through Friday 10am – 6pm

DC BOARD OF ELECTIONS**NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections shall consider in a public hearing whether the proposed measure, “Vocational Technical Education Graduation Pathway Policy Act of 2020,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, June 17, 2020 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003.

In making a subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, June 12, 2020, at 4:00 p.m.. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Each speaker shall be permitted a maximum of three minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative, as they were submitted to the Board by the proposer(s) of the measure, read as follows:

SHORT TITLE

Vocational Technical Education Graduation Pathway Policy Act of 2020

SUMMARY STATEMENT

If enacted this Initiative would declare as the policy of the Office of the State Superintendent of Education (OSSE) to allow students to take fewer high school courses in exchange vocational-technical education and work-based learning. The Initiative would also require OSSE to place a stronger emphasis on vocational-technical education and apprenticeships, beginning with required vocational-technical education courses, workshops for all 7th and 8th grade students.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, that this Act may be cited as the “Vocational-Technical Education Graduation Pathway Policy Act of 2020.”

Section 1. Findings and Declaration of Policy

- (a) For the past forty years there has been a misapplication of and bias against vocational education, which has been dysfunctional and destructive to students. Students should be afforded learning experiences and the opportunity to be trained in whatever skills their natural gifts and preferences lead them to, rather than condemning them to a college prep which they may not have interest. To keep students with an affinity for building or repairing things from developing the skills to pursue those talents is destructive.

And, it is more destructive to our society. The COVID-19 crisis has shown that many of the skills most needed to conquer this pandemic as well as to compete in the global market of the 21st century, are technical skills that fall into the vocational-technical arena. The forty plus year absence of school excellence in many technical and vocational fields has cost us both socially and economically as a community, a city and a country.

Section 2. DC Official Code 5-A DCMR § 2203.3 is amended by adding thereto the following new section.

- (a) VOCATIONAL-TECHNICAL EDUCATION GRADUATION (“VTEG”) PATHWAY OPTION. — Beginning with the 2021-2022 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the vocational-education graduation pathway option. Receipt of a standard high school diploma awarded through the vocational education pathway option requires the student's successful completion of at least (20) twenty credits. A student completing the VTEG pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale. (a) In order for a student to satisfy the requirements of the VTEG pathway option, a student must:

1. Complete (3) three credits in English Language Arts. The three credits must be in ELA I, II, and III; however, a student may substitute up to three credits in ELA AP, or dual enrollment courses for the required ELA credits. A student also

must pass 10th grade reading assessment or, when implemented, the 10th grade ELA assessment, or earn a concordant score, to earn a standard high school diploma;

2. Complete (3) three credits in mathematics. A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I constitutes 30 percent of the student's final course grade. A student also must pass the standardized Algebra I assessment, or earn a comparative score, to earn a standard high school diploma. A student's performance on the standardized Geometry assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the OSSE may substitute the certification for one mathematics credit. Substitution may occur for up to one mathematics credit, except for Algebra I and Geometry;

3. Complete (3) three credits in science. Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The standardized Biology assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the OSSE may substitute the certification for two science credits, except for Biology I;

4. Complete (3) three and one-half credits in social studies. A student must earn one credit in United States History; one credit in World History; one-half credit in economics; one-half credit in financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade;

5. Complete (4) four credits in Vocational-Technical education. The courses must result in a program completion and an industry certification;

6. Complete (3.5) three and one-half credits in work-based learning programs. A student must earn three and one-half credits through work-based learning program courses.

(b) Upon completion of the requirements specified in paragraph (a), a student shall be awarded a standard high school diploma in a form prescribed by OSSE.

(c) Each principal or his or her faculty designee, who must be designated as an academic advisor, shall:

1. Inform parents and students of the VTEG pathway option available at the school and the graduation requirements for the VTEG pathway option established pursuant to paragraph (a);

2. Establish a process by which a parent may request student participation in the VTEG pathway option. The student must be provided the opportunity to participate in the VTEG pathway option;

3. Establish a process to verify a student's progress and completion of the VTEG pathway option; and 4. Meet with any student who has a cumulative grade point average that falls below 2.0 during the first semester in which his or her grade point average falls below 2.0, and any subsequent semester in which his or her grade point average remains below 2.0, to discuss VTEG pathway options. (d) Each high school shall incorporate the VTEG pathway option in the student's graduation plan.

4. Establish an inaugural Declaration Day for 6th – 8th grade to help students and parents affirm, confirm and explore various college majors and career pathway options before 9th grade.

Section 2. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1971 (87 Stat. 813; D.C. Official code § 1-206.02(c)(1).

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PUBLIC HEARING

Wednesday, August 5, 2020

6:30 p.m.

District of Columbia Water and Sewer Authority Headquarters
1385 Canal Street, S.E., Second Floor Board Room
Washington, D.C. 20003

The Board of Directors (the Board) of the District of Columbia Water and Sewer Authority (DC Water) in accordance with Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, (D.C. Law 11-111, §§ 203(3), (11), and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2019 Repl.) approved Board Resolution 20-19, dated March 5, 2020, which, if adopted, would amend Section 112 (Fees) of Chapter 1 (Water Supply) and Sections 4100 (Rates for Water Service), 4101 (Rates and Charges for Sewer Service), and 4102 (Customer Assurances Programs) of Chapter 41 (Retail Water and Sewer Rates and Charges) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). Further, on May 7, 2020, pursuant to Board Resolution #20-41, the Board changed the date to conduct a public hearing from June 10, 2020 to the above stated date, time, and place to receive comments on the Notice of Proposed Rulemaking published at 67 DCR 3282 on March 20, 2020 and republished in this edition of the *D.C. Register* on the May 22, 2020.

Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization (if any) by calling (202) 787- 2330 or emailing the request to Lmanley@dcwater.com no later than 5:00 p.m., Monday August 3, 2020. Other persons wishing to present testimony may testify after those on the witness list. Persons making presentations are urged to address their statements to relevant issues.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes. Statements should summarize extensive written materials so there will be time for all interested persons to be heard. Oral presentations will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. The hearing will end when all persons wishing to make comments have been heard.

Written testimony or comments on the Notice of Proposed Rulemaking may be submitted by mail to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 1358 Canal Street, S.E., Washington, D.C. 20003, or by email to Lmanley@dcwater.com. Such written testimony to be clearly marked "Written Testimony for Public Hearing, August 5, 2020" and received by 5:00 p.m. Monday, August 10, 2020.

**PUBLIC HEARING ON
Proposed Retail Rates, Charges & Fees, Customer Metering Fees
Amend CAP CRIAC Discount and Amendment to CAP2 Regulations
for Fiscal Year 2021 & Fiscal Year 2022**

Wednesday, August 5, 2020

6:30 p.m.

AGENDA

- 1. Call to OrderTommy Wells, Chairman
- 2. Opening Statement.....Tommy Wells, Chairman
- 3. DC Water Management Presentation.....Matthew Brown, CFO/EVP Finance & Procurement
Proposed FY 2021 & FY 2022 Retail Rates, Charges & Fees, Customer Metering Fees,
Amend CAP CRIAC Discount and Amendment to CAP2 Regulations
- 4. Presentation by Independent Consultant..... Amawalk Consulting
Independent Review of the Proposed Budget and Rates for FY 2021 & FY 2022
- 5. Public Witnesses
 - Pre-registered Speakers
 - Other comments (time permitting)
- 6. Closing StatementTommy Wells, Chairman
- 7. AdjournmentTommy Wells, Chairman

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JUNE 3, 2020
Virtual Hearing via WebEx**

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 FIVE

20210
ANC 5D **Application of Hadell and Fannie Callands**, as amended, pursuant to 11 DCMR Subtitle X Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the non-conforming structure requirements of Subtitle C § 202.2, to construct a new two-story rear addition to an existing three-unit apartment house in the RF-1 Zone at premises 1012 16th Street, N.E. (Square 4075, Lot 176).

WARD FOUR

20218
ANC 4D **Application of Gwendolyn Keita**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for a use variance from the use permissions for accessory apartments of Subtitle U § 253.5, to permit an accessory apartment within an existing, semi-detached principal dwelling unit in the R-3 Zone at premises 5200 4th Street, N.W. (Square 3257, Lot 88).

WARD SEVEN

20224
ANC 7E **Application of Brittney Etheridge**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1, and from the rear yard requirements of Subtitle F § 305.1, to construct a second-story rear addition to an existing, attached principal dwelling unit in the RA-1 Zone at premises 407 51st Street, S.E. (Square 5318, Lot 164).

WARD FIVE

20196
ANC 5E **Application of Sonia Ahmed and Farzaam Esmailian**, as amended, pursuant to 11 DCMR Subtitle X, Chapters 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 and from the rear yard requirements of Subtitle D § 306.2, to replace the rear deck addition to an existing attached principal dwelling unit in the R-3 Zone at premises 220 Ascot Place, N.E. (Square 3557, Lot 69).

BZA PUBLIC HEARING NOTICE

JUNE 3, 2020

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WARD SIX

20217 **Application of Tricia Jefferson**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 506.1, from the nonconforming structure requirements of Subtitle C § 202.2, and pursuant to 11 DCMR Subtitle X, Chapter 10 for an area variance from the lot occupancy requirements of Subtitle E § 504.1 , to construct a rear addition to an existing, attached principal dwelling unit in the RF-3 Zone at premises 508 D Street, N.E. (Square 836, Lot 48).

WARD SIX

20229 **Application of David and Grace Kelly**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse requirements of Subtitle C § 1500.4, and under Subtitle C §1504.1 from the penthouse setback requirement of Subtitle C §1502.1 (c)(1)(A) and 1502.1 (c)(5), and the penthouse wall requirements of Subtitle C §1500.9, to construct a penthouse and guardrails on top of the third floor addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 906 11th Street, N.E. (Square 957, Lot 20).

WARD ONE

20219 **Application of Julia Garrison**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 206.2 and 5203.3 from the upper floor addition requirements of Subtitle E § 206.1, to alter an existing rooftop architectural element on an existing, attached, principal dwelling unit in the RF-1 Zone at premises 3629 13th Street, N.W. (Square 2829, Lot 148).

WARD ONE

20241 **Application of Jerry Thomas**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the MU-Use Group E requirements of Subtitle U § 513.1(m), to allow an animal boarding use to an existing mixed-use building in the MU-5 Zone at premises 907 Barry Place, N.W. (Square 2882, Lot 1041).

WARD TWO

20242 **Application of IDI Water Street, L.C**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 710.3 from the parking lot location requirements of Subtitle C § 710.2 (a), and pursuant to Subtitle X, Chapter 10, for variances from the driveway width requirement of Subtitle C § 711.6 (a), from the minimum dimensions for full-sized parking spaces and aisles of C § 712.5, and from the minimum dimensions for compact parking spaces and aisles of C § 712.6, to construct a 7-story residential building in the MU-13 Zone at premises 3401-3403 Water Street, N.W. (Square 1183, Lot 813).

BZA PUBLIC HEARING NOTICE

JUNE 3, 2020

PAGE NO. 3

WARD ONE

20244
ANC 1C **Application of 1777 Bond Street Equities LLC and Columbia Road of DC LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2, from the minimum parking requirement of Subtitle C § 701.5, to construct a 40 new residential units and ground level retail addition to an existing mixed-use building in the MU-5A Zone at premises 1767-1777 Columbia Road, N.W. (Square 2580, Lot 522).

WARD SIX

20223
ANC 6E **Application of Bernard Berry**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 to construct a three-story principal dwelling unit, with a cellar level and roof deck pool in the RF-1 Zone at premises 509 O Street, N.W. (Square 479, Lot 818).

WARD FIVE

20213
ANC 5E **Application of Jake Greenhouse**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 601.1(c), from the alley lot use requirements of Subtitle U § 600.1(e)(3)(b) , to construct a new detached, principal dwelling unit in the RA-2 Zone at premises rear of 3rd Street, N.W. between O Street, N.W. and P Street, N.W. (Square 553, Lot 59).

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

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, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations..

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzsubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

BZA PUBLIC HEARING NOTICE
JUNE 3, 2020
PAGE NO. 4

Do you need assistance to participate?

Americans with Disabilities Act (ADA)

If you require an auxiliary aide or service in order to participate in the public hearing under Title II of the ADA, please contact Zelalem Hill at (202) 727-0312 or Zelalem.Hill@dc.gov. In order to ensure any requested accommodations can be secured by the scheduled hearing, please contact Ms. Hill as soon as possible in advance of that date.

Language Access

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 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。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

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

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

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

BZA PUBLIC HEARING NOTICE**JUNE 3, 2020****PAGE NO. 5**

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

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

**FREDERICK L. HILL, CHAIRPERSON
VACANT, 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
FURTHER NOTICE¹
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, July 6, 2020, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date²

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-27B (Carr Properties OC, LLC – Modifications to Approved First-Stage and Consolidated PUDs and Second-Stage PUD @ Square 3587, Lots 833-834 [350 Morse Street, N.E.]

THIS CASE IS OF INTEREST TO ANC 5D

On March 22, 2019, Carr Properties OC, LLC, (the “Applicant”) filed an application (the “Application”) pursuant to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations] to which all references are made unless otherwise specified) requesting that the Zoning Commission (the “Commission”) approve:

- a modification of significance to the consolidated planned unit development (“PUD”) approved by Z.C. Order No. 15-27 (the “Order”), as modified by Z.C. Order No. 15-27D, to permit bar and restaurant uses in the penthouse of “Building C1” (Square 3587, Lot 833);
- a second-stage PUD and a modification of significance to the first-stage PUD approved by the Order, to convert the primary use of “Building C2” (Square 3587, Lot 834) from residential to office use, and to incorporate bar and restaurant uses in the penthouse; and
- two special exceptions, pursuant to Subtitle C § 1500.3 and Subtitle X § 901.2, to permit nightclub, bar, cocktail lounge, and/or restaurant uses in the penthouse habitable space of both Buildings C1 and C2.

For the second-stage PUD, the Applicant proposes to develop Building C2 with approximately 225,398 square feet of gross floor area (“GFA”) devoted to office use and approximately 6,532 square feet of GFA devoted to retail use, of which 1,125 square feet will be devoted to “Maker Space.” The Application requests design flexibility, in addition to that granted by the Order, from the requirement to comply with the plans approved by the Commission, for the final location of the Maker Space, provided it remains 1,125 square feet and is visible from the street on the ground floor.

The Office of Planning (“OP”) filed reports (collectively, the “OP Setdown Reports”) dated November 27, 2019 (Building C2) and January 3, 2020 (Building C1), that recommended setdown

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of the Application as not inconsistent with the Order, the Zoning Regulations, and the Comprehensive Plan.

At its public meetings of December 9, 2019 and January 13, 2020, the Zoning Commission voted to schedule Building C2 and then Building C1, respectively, for a single public hearing.

The Applicant filed its Prehearing Submission with the Zoning Commission on February 7, 2020.

The complete record in the case, including the Applicant’s filings and the OP Setdown Reports, 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>.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

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The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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“Great weight” to written report of ANC

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
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TIME AND PLACE: Tuesday, July 7, 2020, @ 4:00 p.m.
WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date²

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-27E (350 Morse CPK Owner, LLC – Second-Stage PUD @ Square 3587)

THIS CASE IS OF INTEREST TO ANC 5D

On October 31, 2019, 350 Morse CPK Owner, LLC (“Applicant”) filed an application (“Application”) requesting that the Zoning Commission (“Commission”) approve a second-stage planned unit development (“PUD”) for Lot 835 in Square 3587 (“Property”). The Application proposes to develop the Property with a mixed-use building of approximately 149,629 square feet of gross floor area with a floor area ratio of 12.72 and a maximum building height of 130 feet (“Building D”). Building D will contain approximately 6,044 square feet of ground floor retail, of which 1,125 square feet will be devoted to “Maker Space,” as well as approximately 159 residential units, including affordable housing consistent with the requirements set forth in the first-stage PUD approved for the Property in Z.C. Order No. 15-27 (“First-Stage PUD Approval”).

The Application request flexibility from the parking and habitable penthouse requirements of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 (“Zoning Regulations”) to which all references are made unless otherwise specified) in addition to the flexibility approved by the First Stage PUD Approval from the rear yard, loading, and building lot control requirements. The Application also requests design flexibility in certain areas from the requirement to comply with the plans approved by the Commission.

On January 17, 2020, the Office of Planning (“OP”) filed a report (“OP Setdown Report”) that recommended the Commission setdown the Application for a public hearing. The OP Setdown Report concluded the Application was generally consistent with the First Stage PUD Approval.

At its public meeting of January 27, 2020, the Zoning Commission voted to schedule the case for a public hearing.

The Applicant filed its Prehearing Submission with the Commission on February 3, 2020.

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The complete record in the case, including the Applicant's filings and the OP Setdown Report, 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>.

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
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TIME AND PLACE: **Monday, June 22, 2020, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date²

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 17-05B (2100 2nd Street, SW, LLC – Capitol Gateway Design Review Modification of Significance @ 2121 First Street, S.W. [Square 613, Lot 10])

THIS CASE IS OF INTEREST TO ANC 6D

On October 4, 2019, 2100 2nd Street, SW, LLC (the “Applicant”) filed an application with the Office of Zoning for Modification of Significance (the “Application”) to the plans approved by the Zoning Commission (the “Commission”) for an approved Capital Gateway Design Review in Z.C. Case Nos. 17-05 and 17-05A for the redevelopment of a building located on Square 613, Lot 10 (the “Property”) in the CG-5 zone.

The Commission approved an adaptive re-use of the Property in Z.C. Order Nos. 17-05 and 17-05A for residential and retail uses. The Property consists of approximately 115,479 square feet of land area bounded by 1st, 2nd, and V Streets, SW, and the Anacostia River.

The Application requests approval for:

- a temporary lodging use at the Property for 150 of the 480 apartments for a period of two years; and
- variance relief to permit temporary lodging use in the 100-year flood plain.

If granted, the temporary lodging use would be managed by WhyHotel, a hospitality management company that makes more efficient use of otherwise vacant apartments by operating "turn-key, pop-up hotels" out of the vacancy of newly built, large scale apartment buildings during the lease-up phase.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

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

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

TIME AND PLACE: **Monday, July 13, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**CASE NO. 19-13 (Office of Planning – Proposed Text Amendment to Clarify Regulations
Governing Alley Lots)**

THIS CASE IS OF INTEREST TO ALL ANCS

On June 28, 2019, the Office of Planning (“OP”) filed a setdown and pre-hearing report with the Office of Zoning that served as a petition proposing text amendments to the Zoning Regulations (Title 11 of the DCMR, to which all references are made unless otherwise specified) that would clarify the regulations governing alley lots - including the minimum alley centerline setback, the process for converting alley tax lots to alley record lots, and the ability to hold limited performances or art shows in alley artist studios - and ensure consistent language across different subtitles. The proposed amendment would affect the following provisions:

- Subtitle B (Definitions, Rules of Measurement, and Use Categories) – §§ 100, 307, & 308;
- Subtitle C (General Rules) – §§ 302, 303, & 306;
- Subtitle D (Residential House (R) Zones) – Chapter 51;
- Subtitle E (Residential Flat (RF) Zones) – Chapter 51;
- Subtitle F (Residential Apartment (RA) Zones) – Chapter 51;
- Subtitle G (Mixed-Use (MU) Zones) – Chapter 11;
- Subtitle I (Downtown (D) Zones) – § 210;
- Subtitle J (Production, Distribution, and Repair (PDR) Zones) – Chapter 3; and
- Subtitle U (Use Permissions) – §§ 600 & 601.

The proposed text amendment would apply city-wide.

At its regular public meeting held on July 8, 2019, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing.

The complete record in the case, including the OP report and transcript of the public meeting, 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>.

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements.*)

PROPOSED TEXT AMENDMENT

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

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

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

...

Alley: A public way, **whether named or unnamed**, designated as an alley in the records of the Surveyor of the District of Columbia. An alley is not a street for the purposes of this title.

...

Lot, Alley: ~~Is either a A lot that is recorded on the records of the Surveyor, District of Columbia,~~ that **(i)** faces or abuts an alley; **(ii)** does not face or abut a street at any point, **and (iii) is recorded either on the records of the D.C. Surveyor (alley record lot an “Alley Record Lot”)** or ~~a lot that is recorded on the records of the D.C Office of Tax and Revenue, on or before November 1, 1957, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot) (an “Alley Tax Lot”).~~

...

Lot Line, Alley: A lot line that abuts an alley.

...

Section 307, RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising § 307.1 and adding a new § 307.8, to read as follows:

307.1 In other than residential zones, as defined in Subtitle A § 101.9, and except **alley lots** as permitted elsewhere in this section and the regulations, the building height measuring point (BHMP) shall be established at the ~~at the~~ level of the curb, opposite the middle of the front of the building, and the building height shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or **to** a point designated by a specific zone district; **except that Alley Lots shall be regulated by Subtitle B § 307.8.**

...

307.8 For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the Alley Lot Line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or to a point designated by the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.

Section 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising §§ 308.1 and 308.2 and by adding a new § 308.8, to read as follows:

308.1 The height of buildings, not including a penthouse, in residential zones, as defined in Subtitle A § 101.9, shall be measured in accordance with the rules provided in this section; **except that the height of buildings on Alley Lots shall be regulated by Subtitle B § 308.9.** If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line. For any excavations projecting from the building’s façade other than an exception to grade as defined at ~~11-B-DCMR~~ **Subtitle B** § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.

...

308.9 For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the alley lot line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be measured in accordance with Subtitle B §§ 308.2 through 308.4 and the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.

II. Proposed amendments to Subtitle C, GENERAL RULES

Subsection 302.1 of Section 302, SUBDIVISION REGULATIONS, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is proposed to be amended as follows:

- 302.1 Where a lot is divided, the division shall be effected in a manner that will not violate the provision of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created; except that:
- (a) a non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to May 12, 1958, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.3, may be converted to a record lot without complying with these development standards; and
- (b) a non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to September 6, 2016, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.4, may be converted to a record lot if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.

Section 303, LOT FRONTAGE, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is proposed to be amended by revising § 303.1 and by deleting § 303.3 and renumbering current §§ 303.4 and 303.5 as new §§ 303.3 and 303.4, to read as follows:

- 303.1 ~~Except for alley lots, all~~ All new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation, except that new Alley Record Lots shall instead comply with the rules of Subtitle C § 306.
- 303.2 Where a minimum lot width is required ...
- ~~303.3~~ ~~New alley record lots shall comply with the following:~~
- (a) ~~Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.) and have from the alley access to a street through an alley or alleys not less than twenty-four feet (24 ft.) in width;~~
- (b) ~~Meet the lot area standards applicable under the title of the respective zone and, if no minimum lot area standard is provided, the alley lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and~~
- (c) ~~Where existing abutting alley record lots or alley tax lots created on or before May 12, 1958 are combined into a larger alley record lot, the subdivision need not comply with paragraphs (a) and (b) of this subsection.~~

~~303.4~~ 303.3 Each new lot being created to be used and occupied by a single dwelling ...

~~303.4~~ 303.5 Each new lot being created to be used and occupied by an apartment house ...

A new Section 306, NEW ALLEY RECORD LOTS, is proposed to be added to Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, as follows:

306 NEW ALLEY RECORD LOTS

306.1 A new Alley Record Lot shall:

- (a) have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), with the alley frontage no less than fourteen feet (14 ft);
- (b) have access to a public street through a public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the new Alley Record Lot and the street;
- (c) meet the lot area standards applicable for non-Alley Lots in the same zone; if no minimum lot area standard is provided, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and
- (d) not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.

306.2 An Alley Record Lot may be combined with an abutting Alley Record Lot to create a larger Alley Record Lot without meeting the requirements of Subtitle C §§ 306.1.

306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:

- (a) has a minimum square footage of four hundred and fifty square feet (450 sq. ft.), or
- (b) is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

- (a) The Alley Tax Lot has a minimum square footage of four hundred and fifty square feet (450 sq. ft.);
- (b) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and
- (b) (c) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (1) Department of Transportation (DDOT);
 - (2) Department of Public Works (DPW);
 - (3) Metropolitan Police Department (MPD);
 - (4) Fire and Emergency Medical Services Department (FEMS);
 - (5) DC Water (WASA); and
 - (6) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).
- (d) The Applicant shall include with the application for relief a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that states if the remainder of that existing record lot without the proposed Alley Record Lot would comply with Subtitle C § 302 in addition to all other applicable requirements.

III. Proposed amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

The title of Chapter 51, ALLEY LOT REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (R) FOR R ZONES

Chapter 51, ALLEY LOT REGULATIONS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended by revising § 5100, GENERAL PROVISIONS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, and by deleting §§ 5101 through 5107², to read as follows:

5100 GENERAL PROVISIONS

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

~~5100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the R zones:

TABLE D § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (R)

(a) Maximum Height	<u>20 ft. and 2 stories, including the penthouse</u>
(b) Maximum Lot Occupancy	
<u>Less than 1,800 sq. ft. of lot area</u>	<u>N/A</u>
<u>Between 1,800 and 2,000 sq. ft. of lot area</u>	<u>90%</u>
<u>Over 2,000 sq. ft. of lot area</u>	<u>80%</u>
(c) Minimum Rear Yard	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(d) Minimum Side Yard	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
(e) Minimum Alley Centerline Setback	<u>7.5 ft. from the centerline of all abutting alleys</u>
(f) Minimum Pervious Surface	<u>10%</u>

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

~~5101 DEVELOPMENT STANDARDS~~

~~5101.1 The development standards in Subtitle D §§ 5102 through 5107 shall apply to buildings on alley lots in R zones.~~

~~5102 HEIGHT~~

~~5102.1 The maximum height and stories of buildings on alley lots in R zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~5103 LOT OCCUPANCY~~

² Current Subsection 5108 of Subtitle D is proposed to be deleted in Z.C. Case No. 19-14, for which a Notice of Proposed Rulemaking was just published.

~~5103.1 — A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:~~

TABLE D § 5103.1: MAXIMUM LOT DEVELOPMENT STANDARDS (R)

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

~~5104 — REAR YARD~~

~~5104.1 — A minimum rear yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.~~

~~5105 — SIDE YARD~~

~~5105.1 — A minimum side yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.~~

~~5106 — ALLEY CENTERLINE SETBACK~~

~~5106. — A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~5107 — PERVIOUS SURFACE~~

~~5107.1 — The minimum percentage of pervious surface requirement of an alley lot in an R zone shall be ten percent (10%).~~

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

The title of Chapter 51, ALLEY LOT REGULATIONS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (RF)

Chapter 51, ALLEY LOT REGULATIONS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended by revising § 5100, GENERAL PROVISIONS, and by §§ 5101 through 5107³, to read as follows:

5100 GENERAL PROVISIONS

³ Current Subsection 5108 of Subtitle E is proposed to be deleted in Z.C. Case No. 19-14, for which a Notice of Proposed Rulemaking was just published.

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

~~5100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the RF zones:

TABLE E § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RF)

<u>(a) Maximum Height</u>	<u>20 ft. and 2 stories, including the penthouse</u>
<u>(b) Maximum Lot Occupancy</u>	
<u>Less than 1,800 sq. ft. of lot area</u>	<u>N/A</u>
<u>Between 1,800 and 2,000 sq. ft. of lot area</u>	<u>90%</u>
<u>Over 2,000 sq. ft. of lot area</u>	<u>80%</u>
<u>(c) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(e) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(f) Minimum Pervious Surface</u>	<u>10%</u>

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

~~5101 DEVELOPMENT STANDARDS~~

~~5101.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5102 through 5108.~~

~~5102 HEIGHT~~

~~5102.1 The maximum height and stories of buildings on alley lots in RF zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~5103 LOT OCCUPANCY~~

~~5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:~~

TABLE E § 5103.1: MAXIMUM LOT DEVELOPMENT STANDARDS (RF)

<u>Alley Lot Size</u>	<u>Maximum Lot Occupancy</u>
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

~~5104 REAR YARD~~

~~5104.1 A minimum rear yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.~~

~~5105 SIDE YARD~~

~~5105.1 A minimum side yard of five feet (5 ft.) shall be provided along any lot line of all abutting non-alley lots.~~

~~5106 ALLEY CENTERLINE SETBACK~~

~~5106. A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~5107 PERVIOUS SURFACE~~

~~5107.1 The minimum percentage of pervious surface requirement shall be ten percent (10%).~~

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

The title of Chapter 51, ALLEY LOT REGULATIONS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (RA)

Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by revising § 5100, GENERAL PROVISIONS, and by deleting §§ 5101 through 5106⁴, to read as follows:

5100 GENERAL PROVISIONS

~~5100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

⁴ Current Subsection 5107 of Subtitle F is proposed to be deleted in Z.C. Case No. 19-14, for which a Notice of Proposed Rulemaking was just published.

~~5100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

~~5100.1 The following development standards shall apply to buildings on Alley Record Lots in RA zones:~~

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)

(a) Maximum Height	20 ft. and 2 stories, including the penthouse
(b) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(c) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e) Minimum Pervious Surface	10%

~~5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.~~

~~5101 DEVELOPMENT STANDARDS~~

~~5101.1 The development standards of this chapter shall apply to buildings on alley lot in RA zones.~~

~~5102 HEIGHT~~

~~5102.1 The maximum height and stories of buildings on alley lots in RA zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~5103 REAR YARD~~

~~5103.1 A required rear yard shall be provided with a minimum depth of five feet (5 ft.) along any lot line of all abutting non-alley lots.~~

~~5104 SIDE YARD~~

~~5104.1 A required side yard shall be provided with a minimum depth of five feet (5 ft.) along any lot line of all abutting non-alley lots.~~

~~5105 ALLEY CENTERLINE SETBACK~~

~~5105.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~5106 PERVIOUS SURFACE~~

~~5106.1 The minimum required pervious surface shall be not less than ten percent (10%).~~

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

The title of Chapter 11, ALLEY LOT REGULATIONS FOR MU ZONES, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended as follows:

CHAPTER 11 ALLEY LOT REGULATIONS FOR MU ZONES (MU)

Chapter 11, ALLEY LOT REGULATIONS (MU), of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended by revising § 1100, GENERAL PROVISIONS, and by deleting §§ 1101 through 1106, to read as follows:

1100 GENERAL PROVISIONS

~~1100.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia as a record lot.~~

~~1100.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

1100.1 The following development standards shall apply to buildings on Alley Record Lots in MU zones:

TABLE G § 1100.1: ALLEY LOT DEVELOPMENT STANDARDS (MU)

<u>(a) Maximum Height</u>	
<u>MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-22, MU-29, and MU-30 zones</u>	<u>30 ft. and 3 stories, including the penthouse</u>
<u>All other MU zones</u>	<u>20 ft. and 2 stories, including the penthouse</u>
<u>(b) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(c) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>
<u>(e) Minimum Green Area Ratio (GAR)</u>	<u>As required by zone</u>

1100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

1101 DEVELOPMENT STANDARDS

~~1101.1 The development standards in Subtitle G §§ 1101 through 1106 shall apply to buildings on alley lot in MU zones.~~

1102 HEIGHT

~~1102.1 The maximum height and stories of the building in MU-6, MU-8, MU-10, MU-19, MU-20, MU-21, MU-22, and MU-29 zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.~~

~~1102.2 The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.~~

~~1103 REAR YARD~~

~~1103.1 A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.~~

~~1103 SIDE YARD~~

~~1103.1 A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.~~

~~1105 ALLEY CENTERLINE SETBACK~~

~~1105.1 A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.~~

~~1106 GREEN AREA RATIO~~

~~1106.1 The minimum required GAR shall be as required by the zone.~~

VII. Proposed amendments to Subtitle I, DOWNTOWN (D) ZONES

Subsection 210.3 of Section 210, ALLEY LOTS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended as follows:

210.3 Residential use is permitted, subject to the following conditions:

- (a) A building may not be constructed or converted to a single or multiple dwelling unit unless **the lot is an Alley Record Lot and** there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
- (b) The ~~alley lot~~ **Alley Lot** has access to an improved public street as follows:
 - (1) Through an improved **public** alley or alleys **with an alley width of not less than** twenty-four feet (24 ft.) ~~or more in width at any point between the Alley Lot and the street;~~ or

- (2) ~~On~~ The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley ~~no~~ or alleys with an alley width of not less than fifteen feet (15 ft.) in width at any point and within three hundred (300) linear feet of a public street, as measured along the aforementioned fifteen-foot (15 ft.) wide alley.

VIII. Proposed amendments to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

The title of Chapter 3, ALLEY LOT REGULATIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended as follows:

CHAPTER 3, ALLEY LOT REGULATIONS (PDR)

Chapter 3, ALLEY LOT REGULATIONS (PDR), of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended by revising § 300, GENERAL PROVISIONS, and by § 301, DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS, to read as follows:

~~300.1 All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.~~

~~300.2 New alley lots may be created as provided in the subdivision regulations in Subtitle C § 303.3.~~

300.1 The following development standards shall apply to buildings on Alley Record Lots in PDR zones:

TABLE J § 300.1: ALLEY LOT DEVELOPMENT STANDARDS (PDR)

<u>(a) Maximum Height</u>	
<u>If the alley lot is located in a square with R or RF zoned properties</u>	<u>20 ft., including the penthouse</u>
<u>All other alley lots</u>	<u>30 ft., including the penthouse</u>
<u>(b) Minimum Rear Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(c) Minimum Side Yard</u>	<u>5 ft. from any lot line of all abutting non-Alley Lots</u>
<u>(d) Minimum Alley Centerline Setback</u>	<u>7.5 ft. from the centerline of all abutting alleys</u>

~~301 DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS~~

~~301.1 The bulk of buildings on alley lots in a PDR zone shall be controlled through the specified development standards of this chapter.~~

~~301.2 The following development standards shall apply to buildings on alley lots in PDR zones:~~

TABLE J § 301.2: ALLEY LOT DEVELOPMENT STANDARDS

<u>Maximum Lot Occupancy</u>	<u>GAR</u>	<u>Rear Yard Min.</u>	<u>Side Yard Min.</u>	<u>Alley Centerline Yard Min.</u>
<u>N/A</u>	<u>As required by applicable zone</u>	<u>5 ft. from any lot line of all non-alley lots</u>		<u>12 ft. from the centerline of all alleys to which the alley lot abuts</u>

~~301.3 The maximum height of a building on an alley lot shall be determined as follows:~~

- ~~(a) If the alley lot is located in a square that contains R or RF zone properties, the height shall be limited to twenty feet (20 ft.), including the penthouse;~~
- ~~(b) If the alley lot is located in a square that does not contain R or RF zoned properties, the height shall be limited to thirty feet (30 ft.), including the penthouse.~~

IX. Proposed amendments to Subtitle U, USE PERMISSIONS

The title of Chapter 6, USE PERMISSIONS FOR ALLEY LOT, of Subtitle U, USE PERMISSIONS, is proposed to be amended as follows:

CHAPTER 6, USE PERMISSIONS FOR ALLEY LOTS

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising paragraphs (b), (e), and (f), to read as follows:

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

- (a) Agricultural, both residential and large;
- (b) Artist studio inside a building, subject to the following conditions:

(1) An artist may teach one (1) or more apprentices;

- ~~(1)~~ **(2) Occupancy** Regular occupancy of the building shall be limited to one (1) artist and one (1) apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area ~~of a building on an alley lot;~~
- ~~(2)~~ **(3)** All operations and storage of materials shall occur inside the building;
- ~~(3)~~ **(4)** Incidental sales of ~~art-work~~ artwork produced by the occupants of the studio shall be permitted within the studio; ~~and~~
- ~~(4)~~ ~~The artist may teach one (1) or more apprentices.~~
- (5)** Noise volume shall be governed by the regulations of Title 20 DCMR (Environment);
- (6)** Rehearsals for performing arts may be undertaken in the artist studio; and
- (7)** A maximum of five (5) art shows or performances open to the public are permitted per calendar year, and occupancy for the art show or performance shall be governed by the regulations of Title 12-H (Fire Code).

- (c) Camping by the owner ...
- (d) Community solar facility ...
- (e) Parking, subject to the following conditions:
- (1) Surface parking spaces for use by residents of the square;
- (2) Not more than two (2) car-sharing spaces shall be permitted on any one Alley Lot; and
- (3) Parking garage on an Alley Lot ~~lot~~ not containing another use shall meet the following conditions:
- (A) No more than two (2) motor vehicles may be housed on the lot Alley Lot;
- (B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
- (C) The building garage door shall open directly onto an alley; and

- (f) Residential ~~dwelling use, provided that the use shall be limited to one~~ **(1) dwelling unit on an alley lot**, subject to the following **limitations conditions**:
- (1) The ~~alley lot~~ **Alley Lot** is **not wholly or partially within the R-1-A, R-1-B, R-2, R-6 through R-12, R-14 through R-16, or R-19 through R-21 zones an R-3, R-13, or R-17; zone, an RF zone, or an RA zone;**
 - (2) A ~~residential dwelling building~~ **residential dwelling building** may not be constructed ~~as~~ **or other building converted for to** a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
 - (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;**
 - ~~(3)~~ **(4)** The ~~alley lot~~ **Alley Lot** has access to an improved public street as follows:
 - (A) Through an improved **public** alley or alleys **with an alley width of not less than** twenty-four feet (24 ft.) ~~or more in width at any point between the lot and the public street;~~
 - or
 - (B) ~~On~~ **The public street is within three hundred (300) linear feet of the Alley Lot as measured along** an improved **public** alley ~~no~~ **or alleys with an alley width of not** less than fifteen feet (15 ft.) ~~in width at any point and within three hundred (300) linear feet of a public street, as measured along the aforementioned fifteen-foot (15 ft.) wide alley; and~~
 - ~~(4) The residential dwelling shall meet all building code requirements for a permanent residential structure; and~~
 - ~~(5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.~~
 - (5) The dwelling unit may also contain a parking garage for use by residents of the dwelling.**

Subsection 601.1 of Section 601, SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is proposed to be amended by adding a new paragraph (a) and renumbering current paragraphs (a) to (e) as new paragraphs (b) to (f), and by revising new paragraphs (d), (e), and (f), to read as follows:

601.1 The following uses shall be permitted on an ~~alley lot~~ Alley Lot in the R, RF, and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any specific provisions of each section:

(a) [RESERVED]

(b) Artist studio not meeting the criteria of Subtitle U § 600.1(b), subject to the following conditions:

(1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and

(2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to other properties in the square;

~~(a)~~ **(c)** No camp or any temporary place ...

~~(b)~~ **(d)** Community solar facility ...

~~(e)~~ **(e)** Parking uses not meeting the ~~matter-of-right standards, provided that a publicly operating parking area use shall be~~ criteria of Subtitle U § 600.1(e), subject to the following conditions:

(1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and

(2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located;

~~(d)~~ **(f)** Residential use dwelling not meeting the ~~matter-of-right requirements criteria~~ of Subtitle U § 600.1(f), ~~provided that the use shall be limited to one (1) dwelling unit on an alley lot~~, subject to the following conditions:

- (1) The ~~alley lot~~ Alley Lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;
- (2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty ~~(450)~~ square feet (450 sq. ft.) of lot area;
- ~~(3)~~ The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;
- ~~(3)~~ (4) The ~~alley lot~~ Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety; and infrastructure availability; and
- ~~(4)~~ The Board of Zoning Adjustment shall consider relevant agency comments concerning:
 - ~~(A)~~ Public safety, including any comments from the Fire and Emergency Medical Services Department and Metropolitan Police Department;
 - ~~(B)~~ Water and sewer services, including any comments from the Water and Sewer Authority, especially the Department of Permit Operations;
 - ~~(C)~~ Waste management, including any comments from the Department of Public Works; and
 - ~~(D)~~ Traffic and parking, including any comments from the District Department of Transportation; and
- ~~(4)~~ (5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (A) Department of Transportation (DDOT);
 - (B) Department of Public Works (DPW);
 - (C) Metropolitan Police Department (MPD);
 - (D) Fire and Emergency Medical Services Department (FEMS);
 - (E) DC Water (WASA); and

(F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

~~(e)~~ **(g)** Storage of wares or goods ...

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

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 5 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

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

Z.C. NOTICE OF VIRTUAL PUBLIC HEARING

Z.C. CASE NO. 19-13

PAGE 20 OF 21

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

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

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

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

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

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

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

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

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
FURTHER NOTICE¹
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Tuesday, June 23, 2020, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date²

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-17 (Atlas MLK, LLC & 3715 MLK, LLC – Map Amendment @ 3703 Martin Luther King Jr. Avenue, S.E. (Square 6070, Lot 50), 3705 Martin Luther King Jr. Avenue, S.E. (Square 6070, Lot 51), 3707 Martin Luther King Jr. Avenue, S.E. (Square 6070, Lot 52), and 3715 Martin Luther King Jr. Avenue, S.E., (Square 6070, Lot 48))

THIS CASE IS OF INTEREST TO ANC 8C

On August 8, 2019, Atlas MLK, LLC & 3715 MLK, LLC (collectively, the “Applicant”) filed an application (the “Application”) requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve a Zoning Map amendment from the MU-3A zone to the MU-4 zone for Lots 48 and 50-52 in Square 6070 (collectively, the “Properties”). The Properties consists of approximately 34,330 square feet of land area along the western side of Martin Luther King Jr. Avenue, S.E. The Properties are currently improved with institutional and commercial buildings, including the Unity of Love Praise Temple (3703 MLK), Fort Carroll Market (3705 MLK), and two office buildings (3707 and 3715 MLK). Abutting the Properties to the north are a mix of residential apartment buildings, flats, and one-family dwellings, all zoned R-2. Abutting the Properties to the south and west is unzoned, undeveloped land. The Properties are presently zoned MU-3A and part of a small group of properties zoned MU-3A on both sides of Martin Luther Kings Jr. Avenue, S.E. in the immediately surrounding area.

The existing MU-3A zone is intended to permit low-density mixed-use development; and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact surrounding residential development. The MU-3A zone allows for a maximum floor area ratio (“FAR”) of 1.0 (1.2 for developments subject to Inclusionary Zoning (“IZ”), a maximum building height, not including penthouse, of 40 feet and three stories, and a maximum lot occupancy of 60%.

The proposed MU-4 zone is intended to permit moderate-density mixed-use development; 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 be located in low- and moderate-density

¹ Notice of a public hearing was previously provided on this case; however, because of Covid-19, the Office of Zoning suspended all public hearings and the hearing did not occur as previously scheduled.

² Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements.*)

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 MU-4 zone allows a maximum FAR of 2.5 (3.0 for IZ developments) of which a maximum of 1.5 may be devoted to non-residential uses, a maximum building height, not including penthouse, of 50 feet with no limit on the number of stories, and a maximum lot occupancy of 60% (75% for IZ developments).

On September 12, 2019, the Office of Planning filed a report (the “OP Setdown Report”) recommending that the Commission setdown the Application for a public hearing. The OP Setdown Report concluded that the Application’s proposed map amendment would not be inconsistent with the Comprehensive Plan, which designates the Properties as low-density commercial on the Future Land Use Map (the “FLUM”), and as within a Neighborhood Commercial Center on the General Policy Map.

At its October 21, 2019, public meeting, the Commission voted to set down the Application for a public hearing as a contested case. The Applicant submitted its prehearing submission on December 31, 2019.

The complete record in the case, including the Applicant’s filings and the OP Setdown Report, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/CaseReport/CaseSearch.aspx>.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

How to participate as a witness – written statements

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How to participate as a party.

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

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

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

“Great weight” to written report of ANC

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

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

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO,
AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT**

OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
FURTHER NOTICE¹
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: Thursday, June 25, 2020, @ 4:00 p.m.
WebEx or Telephone – Instructions will be provided on the
OZ website by Noon of the Hearing Date²

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-24A (Children’s National at Walter Reed, LLC – Zoning Map Amendment @ Square 2950)

THIS CASE IS OF INTEREST TO ANC 4A

On December 6, 2019, Children’s National at Walter Reed LLC filed an application (the “Application”) requesting the Zoning Commission (“Commission”) approve a proposed amendment of the Zoning Map (“Map Amendment”) for Lots 820 - 828 in Square 2950 (“Property”), from the current R-1-B zone to the proposed new WR-9 and WR-10 zones under consideration by the Commission in Z.C. Case No. 19-24 (“Text Amendment”). The Application initially was included in the petition for the Text Amendment.

The Property consists of approximately 11.86 acres on a portion of the former Walter Reed Army Medical Center Campus. The Property is bordered by Fern Street, N.W. and Alaska Avenue, N.W. on the north, by the Parks at Walter Reed development to the east, by Dahlia Street, N.W. on the south, and by the U.S. State Department’s portion of the former Walter Reed Army Medical Campus. The Property is currently improved with several buildings including a medical laboratory building and a parking garage.

The existing R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots. The R-1-B zone permits a maximum building height of 40 feet and three stories and a maximum lot occupancy of 40%. The R-1-B zone has limited permitted matter-of-right uses for a principal dwelling unit and other limited government, health care, institutional, and public education uses.

The proposed WR-9 zone, which would be created if the Commission adopts the Text Amendment in Z.C. Case 19-24, is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods. The proposed WR-9 zone would permit a maximum building height of 45 feet and four stories and a maximum lot occupancy of 70%.

¹ Notice of a public hearing was previously provided on this case; however, because of Covid-19, the Office of Zoning suspended all public hearings and the hearing did not occur as previously scheduled.

² Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements.*)

The proposed WR-10 zone, which would also be created if the Commission adopts the Text Amendments in Z.C. Case 19-24, is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods; and to encourage adaptive reuse of existing buildings to support medical research uses. The proposed WR-10 zone would permit, as specified for individual “Land Bays” within the zone, a maximum building height of between 60 feet and 110 feet, a maximum lot occupancy of between 60% and 100%, and a maximum floor area ratio (“FAR”) of between 2.0 and 6.0.

The proposed WR-9 and WR-10 zones would both limit the matter-of-right uses to daytime care, office, medical care, general institutional, as well as lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children’s National at Walter Reed.

On November 8, 2019, the Office of Planning submitted a report (“OP Setdown Report”) in support of setting down the Map Amendment for a public hearing. The OP Setdown Report concluded that the Map Amendment would not be inconsistent with the Comprehensive Plan, which designates the Property as Federal on the Future Land Use Map and as a Land Use Change Area (Federal) on the General Policy Map.

At its November 18, 2019, public meeting, the Commission separated the Map and Text Amendments into two cases and voted to setdown:

- 1) The Text Amendment to create the WR-9 and WR-10 zones for a public hearing as a rulemaking case (Z.C. Case No. 19-24); and
- 2) The Map Amendment for a public hearing as a separate contested case (Z.C. Case No. 19-24A).

The public hearing for the Map Amendment will take place on the same date as, and immediately after, the public hearing for the Text Amendment.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations), which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the**

start of the hearing. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

How to participate as a party.

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

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

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

“Great weight” to written report of ANC

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

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

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

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

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

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

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Water Quality Standards

The Director of the Department of Energy and Environment (DOEE), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2019 Supp.)), Sections 5 and 21 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.04 and 8-103.20 (2013 Repl.)), and Mayor's Order 98-50, dated April 15, 1998, as amended by Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the final rulemaking action to amend Chapter 11 (Water Quality Standards) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

DOEE is conducting the triennial review of the District of Columbia's Water Quality Standards (WQS) regulations as required by Section 5(a) of the Water Pollution Control Act (D.C. Official Code § 8-103.04(a)), and Section 303(c) of the federal Clean Water Act (33 USC § 1313(c)). The purpose of the WQS triennial review is to update the District's WQS based on Environmental Protection Agency (EPA) recommendations, which are created using new data, analysis, and studies to enhance water quality and protect designated uses.

On September 15, 2017 at 64 DCR 9089, DOEE published in the *D.C. Register* the first proposed rulemaking updating the WQS. This rulemaking proposed to update the recreational criteria for *E.coli* bacteria, aquatic life criteria for ammonia and cadmium, and ninety-four (94) human health criteria. DOEE held a public hearing on the first proposed rulemaking on October 26, 2017. Written comments on the proposed rulemaking were received from the EPA, environmental groups, and DC Water. Comments on the first proposed rulemaking are posted to DOEE's website at <https://doee.dc.gov/service/water-quality-regulations>. EPA comments included necessary revisions to the aquatic life criteria for ammonia and commended DOEE on its proposal to update the recreational criteria for *E.coli* bacteria. The environmental groups were concerned that the proposed update to the recreational criteria for *E.coli* bacteria did not protect public health. DC Water requested DOEE to undertake a Use Attainability Analysis of the District's primary contact recreation, which exists in the District's WQS, and defer from making any changes to the existing recreational criteria for *E.coli*. DC Water undertook their own analysis and noted that adopting the updated criteria would result in "adverse social and economic consequences." Based on all the comments received, DOEE made changes, the substantive change was removing the update to the recreational criteria for *E.coli*. The current recreational criteria for *E.coli* in the WQS will remain. Compliance with the current *E.coli* criteria is being implemented through DC Water's Long-Term Control Plan for combined sewer overflows which is underway. DOEE needs more time to analyze available data and understand the impacts of adopting the new recreational criteria for *E.coli* criteria into the WQS.

The second proposed rulemaking was published in the *D.C. Register* on June 28, 2019 at 66 DCR 7697. The updates to the aquatic life criteria for ammonia and cadmium, and 94 human health

criteria remained. Prior to promulgating the second proposed rulemaking, DOEE undertook a study to consider the socio-economic, institutional, technological, and environmental impacts (SITE) of applying and enforcing the ammonia, cadmium, and 94 chemical constituents updates to the WQS. The study is available on DOEE's website at <https://doee.dc.gov/service/water-quality-regulations>.

The second proposed rulemaking was open for public comment for thirty (30) days. In July 2019, DC Water requested an extension to sixty (60) days. DOEE held a public hearing on the second proposed rulemaking on September 5, 2019. Written comments on the second proposed rulemaking were received from EPA, a District resident, and DC Water. EPA and the individual District resident supported the more stringent criteria and requested that DOEE consider adopting further EPA recommended water quality criteria like the recreational criteria for *E. coli*, copper, selenium, aluminum, and diazinon. DC Water requested an additional two hundred forty (240)-day comment period extension to fully understand how the ammonia criteria impacts their EPA National Pollutant Discharge Elimination System (NPDES) permit limit. In addition to that request, DC Water included a draft recalculation of ammonia limits, based on the updates to the aquatic life criteria for ammonia, for Blue Plains wastewater treatment plant. The recalculated limits were lower than the current permit limits. DOEE is not promulgating the proposed aquatic life criteria for ammonia at this time. DOEE will continue to evaluate how the aquatic life criteria for ammonia may impact stakeholders. In addition, DC Water is undertaking their own analyses to more fully understand how the aquatic life criteria may impact their federal NPDES permit. The current aquatic life criteria for ammonia in the WQS remains unchanged.

This final rulemaking updates the aquatic life criteria for cadmium and the 94 human health criteria. No other substantive changes were made.

The update to the aquatic life criteria for cadmium is based on EPA recommendations, the 2016 Aquatic Life Ambient Water Quality Criteria – Cadmium (EPA 820-R-16-002). Chronic cadmium exposure can lead to adverse effects in the growth, reproductive, immune, and endocrine systems of aquatic life. Cadmium is, however, a naturally occurring metal found in mineral deposits and distributed ubiquitously at low concentrations in the environment. The updated chronic criterion is less stringent than the current chronic criterion, while the acute is more stringent.

The updates to the human health criteria are based on EPA's 2015 recommendations that revise the human health criteria for 94 chemical constituents. The revisions are based on EPA's existing methodologies, Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000) (EPA-822-B00-004). Examples of these chemicals include DDT and its breakdown products, benzene, and heptachlor epoxide. The recommendations reflect the latest scientific information on factors like body weight, drinking water intake, fish consumption rates, bioaccumulation factors, and toxicity values. Most of the updated criteria are becoming more stringent.

These rules were adopted as final on February 19, 2020 and shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 11, WATER QUALITY STANDARDS, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 1104, STANDARDS, is amended as follows:

Strike the current Subsection 1104.8 in its entirety, and insert the following in its place, to read as follows:

1104.8 Unless otherwise stated, the numeric criteria that shall be met to attain and maintain designated uses are as follows in Tables 1 through 3:

Table 1: Conventional Constituents Numeric Criteria

Constituent	Class A	Class B	Class C
Chlorophyll $a^{a,b}$ ($\mu\text{g/L}$)(seasonal segment average)			
July 1 through September 30	—	—	25
Dissolved Oxygen (mg/L)			
Instantaneous minimum (year-round) ^c	—	—	5.0
February 1 through May 31 ^{a,b}			
7-day mean	—	—	6.0
Instantaneous minimum	—	—	5.0
June 1 through January 31 ^{a,b}			
30-day mean	—	—	5.5
7-day mean	—	—	4.0
Instantaneous minimum ^d	—	—	3.2
<i>E. coli</i> ^e (MPN/100 mL)			
Geometric mean (Geometric mean of 5 samples over a maximum period of 30 days)	126	—	—
Single Sample Value	410	—	—
Hydrogen Sulfide (maximum $\mu\text{g/L}$)	—	—	2.0
Oil and Grease (mg/L)	—	—	10.0
pH			
Greater than	6.0	6.0	6.0
And less than	8.5	8.5	8.5
Secchi Depth ^{a,b} (m)(seasonal segment average)			
April 1 through October 31	—	—	0.8
Temperature ($^{\circ}\text{C}$)			
Maximum	—	—	32.2
Maximum change above ambient	—	—	2.8
Total Dissolved Gases (maximum % saturation)	—	—	110
Turbidity Increase above Ambient (NTU)	20	20	20

Footnotes:

^a Attainment of the dissolved oxygen, water clarity and chlorophyll *a* water quality criteria that apply to tidally influenced Class C waters will be determined following the guidelines documented in the 2003 United States Environmental Protection Agency publication: Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll *a* for the Chesapeake Bay and its Tidal Tributaries, EPA 903-R-03-002 (April 2003, Region III Chesapeake Bay Program Office, Annapolis, Maryland); 2004 Addendum, EPA 903-R-04-005 (October 2004); 2007 Addendum, EPA 903-R-07-003 CBP/TRS 285/07 (July 2007); 2007 Chlorophyll Criterion Addendum, EPA 903-R-07-005 CBP/TRS 288-07 (November 2007); 2008 Addendum, EPA 903-R-08-001 CBP/TRS 290-08 (September 2008); and 2010 Criterion Addendum, EPA 903-R-10-002 CBP/TRS-301-10 (May 2010).

^b Shall apply to only tidally influenced waters.

^c Shall apply to only nontidal waters.

^d At temperatures greater than 29°C in tidally influenced waters, an instantaneous minimum dissolved oxygen concentration of 4.3 mg/L shall apply.

^e The geometric mean criterion shall be used for assessing water quality trends and for permitting. The single sample value criterion shall be used for assessing water quality trends only.

Table 2: Trace Metals and Inorganics Numeric Criteria

Constituent ^a Trace metals and inorganics in $\mu\text{g/L}$, except where stated otherwise (see Notes below)	Class C		Class D ^b
	CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Ammonia, mg total ammonia nitrogen (TAN)/L	See Footnote g	See Footnote h	—
Antimony, total recoverable	—	—	640
Arsenic, dissolved	150	340	0.14 ^c
Cadmium, dissolved	See Footnotes d and e	See Footnotes d and e	—
Chlorine, total residual	11	19	—
Chromium, hexavalent, dissolved	11 ^e	16 ^e	—
Chromium, trivalent, dissolved	See Footnotes d and e	See Footnotes d and e	—
Copper, dissolved	See Footnotes d and e	See Footnotes d and e	—
Cyanide, free	5.2	22	400
Iron, dissolved	1,000	—	—
Lead, dissolved	See Footnotes d and e	See Footnotes d and e	—
Mercury, dissolved	0.77 ^e	1.4 ^e	0.15
Methylmercury (mg/kg, fish tissue residue)	—	—	0.3

Constituent ^a Trace metals and inorganics in $\mu\text{g/L}$, except where stated otherwise (see Notes below)	Class C		Class D ^b
	CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Nickel, dissolved	See Footnotes d and e	See Footnotes d and e	4,600
Selenium, total recoverable	5	20	4,200
Silver, dissolved	—	See Footnotes d and e	65,000
Thallium, dissolved	—	—	0.47
Zinc, dissolved	See Footnotes d and e	See Footnotes d and e	26,000

Footnotes:

^a For constituents without numerical criteria, standards have not been developed at this time. However, the National Pollutant Discharge Elimination System (NPDES) permitting authority shall address constituents without numerical standards in NPDES permit actions by using the narrative criteria for toxics contained in these water quality standards.

^b The Class D human health criteria for metals will be based on total recoverable metals.

^c The criteria is based on carcinogenicity of 10^{-6} risk level.

^d The formulas for calculating the criterion for the hardness dependent constituents indicated above are as follows:

Table 2a: Formulas for Hardness-Dependent Constituents^e

Constituent	CCC	CMC
Cadmium	$e^{(0.7977[\ln(\text{hardness})] - 3.909)}$	$e^{(0.9789[\ln(\text{hardness})] - 3.866)}$
Chromium III	$e^{(0.8190[\ln(\text{hardness})] + 0.6848)}$	$e^{(0.8190[\ln(\text{hardness})] + 3.7256)}$
Copper	$e^{(0.8545[\ln(\text{hardness})] - 1.702)}$	$e^{(0.9422[\ln(\text{hardness})] - 1.700)}$
Lead	$e^{(1.2730[\ln(\text{hardness})] - 4.705)}$	$e^{(1.2730[\ln(\text{hardness})] - 1.460)}$
Nickel	$e^{(0.8460[\ln(\text{hardness})] + 0.0584)}$	$e^{(0.8460[\ln(\text{hardness})] + 2.255)}$
Silver	—	$e^{(1.7200[\ln(\text{hardness})] - 6.590)}$
Zinc	$e^{(0.8473[\ln(\text{hardness})] + 0.884)}$	$e^{(0.8473[\ln(\text{hardness})] + 0.884)}$

^e The criterion is multiplied by the EPA conversion factor in Table 2b as specified in Subsection 1105.10:

Table 2b: Conversion Factors for Dissolved Metals^f

Constituent	CCC	CMC
Cadmium	$1.101672 - [(\ln \text{hardness})(0.041838)]$	$1.136672 - [(\ln \text{hardness})(0.041838)]$
Chromium III	0.860	0.316
Chromium VI	0.962	0.982

Constituent	CCC	CMC
Copper	0.960	0.960
Lead	$1.46203 - [(\ln \text{hardness})(0.145712)]$	$1.46203 - [(\ln \text{hardness})(0.145712)]$
Mercury	0.85	0.85
Nickel	0.997	0.998
Silver	—	0.85
Zinc	0.986	0.978

^f Hardness in in Tables 2a and 2b shall be measured as mg/L of calcium carbonate (CaCO₃). The minimum hardness value allowed for use in these formulas shall not be less than 25 mg/L as CaCO₃, even if the actual ambient hardness is less than 25 mg/L as CaCO₃. The maximum hardness value allowed for use in these formulas shall not exceed 400 mg/L as CaCO₃, even if the actual ambient water hardness is greater than 400 mg/L as CaCO₃.

^g Criterion Continuous Concentration (CCC) for Total Ammonia:

- (a) The CCC criterion for ammonia (in mg N/L) (i) shall be the thirty (30)-day average concentration for total ammonia computed for a design flow specified in Subsection 1105.5; and (ii) shall account for the influence of the pH and temperature as shown in Table 2b and Table 2c. The highest four (4)-day average within the thirty (30)-day period shall not exceed 2.5 times the CCC.
- (b) The CCC criterion in Table 2c for the period March 1st through June 30th was calculated using the following formula, which shall be used to calculate unlisted values: $CCC = [(0.0577/(1+10^{7.688-pH})) + (2.487/(1+ 10^{pH-7.688}))] \times \text{MIN}(2.85, 1.45 \times 10^{0.028 \times (25-T)})$, where MIN indicates the lesser of the two values (2.85, $1.45 \times 10^{0.028 \times (25-T)}$) separated by a comma.
- (c) The CCC criterion in Table 2d for the period July 1st through February 28/29th, was calculated using the following formula, which shall be used to calculate unlisted values: $CCC = [(0.0577/(1+10^{7.688-pH})) + (2.487/(1+ 10^{pH-7.688}))] \times [1.45 \times 10^{0.028 \times (25-\text{MAX}(T,7))}]$, where MAX indicates the greater of the two values (T,7) separated by a comma.

**Table 2c. Total Ammonia (In Milligrams of Nitrogen Per Liter)
Ccc Criterion for Various Ph And Temperatures for March 1st Through June 30th**

pH	Temperature (°C)									
	0	14	16	18	20	22	24	26	28	30
6.50	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.60	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.70	6.44	6.44	5.86	5.15	4.52	3.98	3.42	3.00	2.64	2.32
6.80	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.90	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.00	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.10	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.20	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99

7.30	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.40	4.73	4.73	4.30	3.97	3.49	3.06	2.69	2.37	2.08	1.83
7.50	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.60	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.70	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.80	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.90	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.00	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.10	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.20	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.30	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.40	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.50	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.60	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.70	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.80	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.208
8.90	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.00	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

**Table 2d. Total Ammonia (Milligrams of Nitrogen Per Liter)
Ccc Criterion for Various Ph And Temperatures for July 1st Through February 28th/29th**

pH	Temperature (°C)									
	0-7	8	9	10	11	12	13	14	15*	16*
6.50	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.60	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.70	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.80	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72
6.90	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7.00	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.10	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.20	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.30	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.40	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.50	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.60	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.70	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.80	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.90	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8.00	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.10	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.20	2.91	2.73	2.56	2.4	2.25	2.11	1.98	1.85	1.74	1.63
8.30	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39

8.40	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.50	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.990
8.60	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892	0.836
8.70	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754	0.707
8.80	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684	0.641	0.601
8.90	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548	0.513
9.00	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471	0.442

*At 15°C and above, the criterion for July 1st through February 28th/29th is the same as the criterion for March 1st through June 30th.

^h Criterion Maximum Concentration (CMC) for Total Ammonia:

- (a) The CMC criterion for total ammonia (in mg N/L) (i) shall be the one (1)-hour average concentration for total ammonia, computed for a design flow specified in subsection 1105.5; and (ii) shall account for the influence of the pH as shown in Table 2e.
- (b) The CMC criterion was calculated using the following formula, which shall be used to calculate unlisted values: $CMC = [(0.411/(1+10^{7.204-pH})) + [58.4/(1+ 10^{pH-7.204})]$.

**Table 2e. Total Ammonia (In Milligrams of Nitrogen Per Liter)
Cmc Criterion for Various Ph**

pH	CMC	pH	CMC	pH	CMC	pH	CMC
6.50	48.8	7.20	29.5	7.90	10.1	8.60	2.65
6.60	46.8	7.30	26.2	8.00	8.40	8.70	2.20
6.70	44.6	7.40	23.0	8.10	6.95	8.80	1.84
6.80	42.0	7.50	19.9	8.20	5.72	8.90	1.56
6.90	39.1	7.60	17.0	8.30	4.71	9.00	1.32
7.00	36.1	7.70	14.4	8.40	3.88		
7.10	32.8	7.80	12.1	8.50	3.20		

Table 3: Organic Constituents Numeric Criteria

Organic Constituent ^a (µg/L)	CAS Number	Class C		Class D
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Acrolein	107028	3.0	3.0	400
Acrylonitrile	107131	700.0	—	7.0, ^b
Aldrin	309002	0.4	3.0	0.00000077, ^b
Benzene	71432	1000	—	16, ^b
Carbamates	—	—	—	—

Organic Constituent ^a ($\mu\text{g/L}$)	CAS Number	Class C		Class D
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Carbaryl (Sevin)	63252	2.1	2.1	—
Carbon Tetrachloride	56235	1000	—	5, ^b
Chlordane	57749	0.0043	2.4	0.00032, ^b
Chlorinated Benzenes (except Di)	—	25.0	—	—
Chlorobenzene	108907	—	—	800
1,2-Dichlorobenzene	95501	200	—	3,000
1,3-Dichlorobenzene	541731	200	—	10
1,4-Dichlorobenzene	106467	200	—	900
Hexachlorobenzene	118741	—	—	0.000079, ^b
Pentachlorobenzene	608935	—	—	0.1
1,2,4,5-Tetrachlorobenzene	95943	—	—	0.03
1,2,4-Trichlorobenzene	120821	—	—	0.076
Chlorinated Ethanes	—	50	—	—
1,2-Dichloroethane	107062	—	—	650, ^b
Hexachloroethane	67721	—	—	0.1, ^b
1,1,2,2-Tetrachloroethane	79345	—	—	3, ^b
1,1,1-Trichloroethane	71556	—	—	200,000
1,1,2-Trichloroethane	79005	—	—	8.9, ^b
Chlorinated Naphthalenes	—	—	—	—
2-Chloronaphthalene	91587	200	—	1000
Chlorinated Phenols	—	—	—	—
2-Chlorophenol	95578	100	—	800
2,4-Dichlorophenol	120832	200	—	60
Pentachlorophenol ^c	87865	[I] ^c	[I.A] ^c	0.04, ^b
2,4,5-Trichlorophenol	95954	—	—	600
2,4,6-Trichlorophenol	88062	—	—	2.8, ^b
3-Methyl-4-Chlorophenol	59507	—	—	2,000
Chloroalkyl Ethers	—	1000	—	—
Bis(2-Chloroethyl) Ether	111444	—	—	2.2, ^b
Bis(2-Chloro-1-methylethyl) Ether	108601	—	—	4,000
Bis(Chloromethyl) Ether	542881	—	—	0.017, ^b
Chlorophenoxy Herbicide (2,4-D)	94757	—	—	12,000
Chlorophenoxy Herbicide (2,4,5- TP) [Silvex]	93721	—	—	400
3,3-Dichlorobenzidine	91941	10	—	0.15, ^b
Dichloroethylenes	—	1000	—	—
1,1-Dichloroethylene	75354	—	—	20,000
Trans-1,2-Dichloroethylene	156605	—	—	4,000

Organic Constituent ^a ($\mu\text{g/L}$)	CAS Number	Class C		Class D
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
1,2-Dichloropropane	78875	2000	—	31, ^b
Dichloropropenes	—	400	—	—
1,3-Dichloropropene	542756	—	—	12, ^b
Dieldrin	60571	0.056	0.24	0.0000012, ^b
2,4-Dimethylphenol	105679	200	—	3000
2,4-Dinitrotoluene	121142	33	—	1.7, ^b
Dioxin (2,3,7,8-TCDD)	1746016	—	—	0.0000000051, ^b
1,2-Diphenylhydrazine	122667	30	—	0.2, ^b
Endosulfan	—	0.056	0.22	89
alpha-Endosulfan	959988	0.056	0.22	30
beta-Endosulfan	33213659	0.056	0.22	40
Endosulfan Sulfate	1031078	—	—	40
Endrin	72208	0.036	0.086	0.03
Endrin Aldehyde	7421934	—	—	1
Ethylbenzene	100414	40	—	130
Halomethanes	—	1000	—	—
Bromoform	75252	—	—	120, ^b
Chloroform	67663	3000	—	2000
Chlorodibromomethane	124481	—	—	21, ^b
Dichlorobromomethane	75274	—	—	27, ^b
Methyl Bromide	74839	—	—	10,000
Methylene Chloride	75092	—	—	1,000, ^b
Heptachlor	76448	0.0038	0.52	0.0000059, ^b
Heptachlor Epoxide	1024573	0.0038	0.52	0.000032, ^b
Hexachlorobutadiene	87683	10	—	0.01, ^b
Hexachlorocyclohexane (HCH)- Technical	608731	—	—	0.010, ^b
alpha-Hexachlorocyclohexane (HCH)	319846	—	—	0.00039, ^b
beta-Hexachlorocyclohexane (HCH)	319857	—	—	0.014, ^b
gamma- Hexachlorocyclohexane (HCH) [Lindane]	58899	0.08	0.95	4.4
Hexachlorocyclopentadiene	77474	0.5	—	4
Isophorone	78591	1000	—	1,800, ^b
Manganese	7439965	—	—	100
Methoxychlor	72435	0.03	—	0.02
Mirex	2385855	0.001	—	—
Naphthalene	91203	600	—	—

Organic Constituent ^a ($\mu\text{g/L}$)	CAS Number	Class C		Class D
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Nitrobenzene	98953	1000	—	600
Nitrophenols	—	20	—	—
2-Methyl-4,6- Dinitrophenol	534521	—	—	30
2,4-Dinitrophenol	51285	—	—	300
Dinitrophenols	25550587	—	—	1,000
Nitrosamines	—	600	—	1.24, ^b
N-Nitrosodibutylamine	924163	—	—	0.22 ^b
N-Nitrosodiethylamine	55185	—	—	1.24, ^b
N-Nitrosodimethylamine	62759	—	—	3.0, ^b
N-Nitrosodi-n-Propylamine	621647	—	—	0.51, ^b
N-Nitrosodiphenylamine	86306	—	—	6.0, ^b
N-Nitrosopyrrolidine	930552	—	—	34, ^b
Nonylphenol	84852153	6.6	28	—
Organochlorides	—	—	—	—
4,4'-DDD	72548	0.001	1.1	0.00012, ^b
4,4'-DDE	72559	0.001	1.1	0.000018, ^b
4,4'-DDT	50293	0.001	1.1	0.000030, ^b
Organophosphates	—	—	—	—
Guthion	86500	0.01	—	—
Malathion	121755	0.1	—	—
Parathion	56382	0.013	0.065	—
Phenol	108952	—	—	300,000
Phthalate Esters	—	100	—	—
Bis(2-Ethylhexyl) Phthalate	117817	—	—	0.37, ^b
Butylbenzyl Phthalate	85687	—	—	0.10, ^b
Diethyl Phthalate	84662	—	—	600
Dimethyl Phthalate	131113	—	—	2,000
Di-n-Butyl Phthalate	84742	—	—	30
Polychlorinated Biphenyls (PCB) ^d	—	0.014	—	0.000064, ^b
Polynuclear aromatic hydrocarbons (PAH)	—	—	—	—
Acenaphthene	83329	50	—	90
Acenaphthylene	208968	—	—	—
Anthracene	120127	—	—	400
Benzidine	92875	250	—	0.011, ^b
Benzo(a)anthracene	56553	—	—	0.0013, ^b
Benzo(a)pyrene	50328	—	—	0.00013, ^b
Benzo(b)fluoranthene	205992	—	—	0.0013, ^b
Benzo(k)fluoranthene	207089	—	—	0.013, ^b

Organic Constituent ^a ($\mu\text{g/L}$)	CAS Number	Class C		Class D
		CCC 4-Day Avg	CMC 1-Hour Avg	30-Day Avg
Chrysene	218019	—	—	0.13, ^b
Dibenzo(a,h)anthracene	53703	—	—	0.00013, ^b
Fluoranthene	206440	400	—	20
Fluorene	86737	—	—	70
Indeno(1,2,3-cd)pyrene	193395	—	—	0.0013, ^b
Pyrene	129000	—	—	30
Tetrachloroethylene	127184	800	—	29, ^b
Toluene	108883	600	—	520
Toxaphene	8001352	0.0002	0.73	0.00071, ^b
Tributyltin (TBT)	—	0.072	0.46	—
Trichloroethylene	79016	1000	—	7, ^b
Vinyl chloride	75014	—	—	1.6, ^b

Footnotes:

^a For constituents with blank numeric criteria, EPA has not calculated criteria at this time. However, permit authorities will address these constituents in NPDES permit actions using the narrative criteria for toxics.

^b The criteria are based on carcinogenicity of 10^{-6} risk level.

^c The formulas for calculating the concentrations of substances indicated above are as follows:

[I] The numerical CCC for pentachlorophenol in $\mu\text{g/L}$ shall be given by:

$$e^{(1.005(\text{pH}) - 5.134)}$$

[I.A] The numerical CMC for pentachlorophenol in $\mu\text{g/L}$ shall be given by:

$$e^{(1.005(\text{pH}) - 4.869)}$$

^d The polychlorinated biphenyls (PCB) criterion applies to total PCBs (*e.g.*, the sum of all congener, isomer, homolog, or Aroclor analyses.)

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.13 (2018 Repl.)), Section 4902(d) of the Department of Health Functions Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(d) (2018 Repl.)), Sections 2(f)(6) and 2(i)(6) of the Medical Marijuana Omnibus Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-209; D.C. Official Code § 7-1671.06(g-2) and (g-3) (2018 Repl.)), the Medical Marijuana Relocation Emergency Amendment Act of 2018, effective February 7, 2019 (D.C. Act 22-645; 66 DCR 2052 (February 15, 2019)), and Mayor's Order 2011-71 dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 55 (Registration Changes) of Subtitle C (Medical Marijuana) of Title 22 (Health) of District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to implement the provisions of the Medical Marijuana Omnibus Amendment Act of 2016, which allow a medical marijuana dispensary or cultivation center to change ownership or location.

This rulemaking was published in the *D.C. Register* on August 23, 2019 at 66 DCR 011491. No comments were received during the allotted thirty (30) day time period. No substantive changes have been made to the rules. Following the required period of Council review, the rules were deemed approved by the D.C. Council on April 1, 2020.

These rules were adopted as final on April 20, 2020 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 55, REGISTRATION CHANGES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5501, INDIVIDUAL OWNERSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY OR PARTNERSHIP, AND CORPORATE CHANGES, is repealed in its entirety and the following inserted in its place, to read as follows:

5501 INDIVIDUAL OWNERSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY OR PARTNERSHIP, AND CORPORATE CHANGES

5501.1 If there is a change in corporate officers, directors, or other persons, owning or controlling one percent (1%) or more, but less than fifty percent (50%), of the common stock of a corporate registration for a medical marijuana dispensary, cultivation center, or testing laboratory, the corporation shall submit to the Department, within fifteen (15) calendar days of the change, the minutes or other instrument giving the names and addresses of any new officer, director, or person owning or controlling any percentage of the stock.

- 5501.2 If there is a change in the ownership of an individual ownership, partnership, or limited liability company or partnership, resulting in a change of ownership of one percent (1%) or more, but less than fifty percent (50%), of the total ownership interest of the business entity's registration for a medical marijuana dispensary, cultivation center, or testing laboratory, the individual owner, partnership, or limited liability company or partnership members shall submit to the Department in a timely manner, but no later than fifteen (15) calendar days after the change has occurred, the instruments reflecting the change in ownership interests.
- 5501.3 Within fifteen (15) calendar days of the changes set forth in § 5501.1 and § 5501.2, the individual owner, partnership, limited liability company or partnership, or corporation shall submit to the Department any data pertaining to the personal and business history of any new officer, director, stockholder, member, general or limited partner, or other person that the Department may require, and each new person shall apply for a registration as required under this subtitle.
- 5501.4 Each individual seeking to own or control interest of at least one percent (1%) in a partnership, limited liability company or partnership, or corporation shall pass a criminal background check and pay the applicable registration fee.
- 5501.5 If the proposed transfer pertains to a medical marijuana dispensary registration, the proposed transferee(s) shall not own or control the interest of one percent (1%) or more in another medical marijuana dispensary registered to operate in the District of Columbia or that has been deemed eligible to operate in the District of Columbia.
- 5501.6 The proposed transferee(s) shall not operate the dispensary, cultivation center, or testing laboratory until they have received a registration issued by the Department.

A new Section 5502 is added to read as follows:

5502 TRANSFER OF EQUAL OR MAJORITY OWNERSHIP OR CONTROL

- 5502.1 At least thirty (30) days before executing an agreement that will result in the transfer of ownership or control of fifty percent (50%) or more of the ownership interest or common stock of a registration for a medical marijuana dispensary, cultivation center, or testing laboratory, the current registrant shall submit to the Department an application for a transfer of equal or majority ownership or control.
- 5502.2 A registrant shall not complete the sale or transfer of fifty percent (50%) or more of its ownership or control of a registration for a medical marijuana dispensary, cultivation center, or testing laboratory until the registrant has received written approval from the Department of the sale or transfer.
- 5502.3 If a registrant transfers ownership or control of fifty percent (50%) or more of its ownership or control of a registration for a medical marijuana dispensary, cultivation center, or testing laboratory without Department approval, the

registrant's registration, or authorization to apply for a registration, shall automatically be deemed void and shall be surrendered to the Department upon demand.

5502.4 To apply for a transfer of fifty percent (50%) or more of its ownership or control of a registration for a medical marijuana dispensary, cultivation center, or testing laboratory, a registrant shall complete a Department of Health application form and provide the following:

- (a) The legal name or trade name of the business and a copy of the trade name registration, if applicable;
- (b) The name, address, date of birth, and social security number of the individual owner, partners, limited liability company or partnership member, principal officers, directors, or shareholders (no P.O. Boxes will be accepted);
- (c) The Certificate of Good Standing for the partnership, limited liability company or partnership, or corporation, issued within thirty (30) days of the date of submission of the application;
- (d) A Basic Business Registration from the Department of Consumer and Regulatory Affairs with a General Business registration endorsement;
- (e) A valid zoning determination letter for the premises issued in the name of the new owner;
- (f) Evidence that the applicant has entered into a bona fide agreement with the owner of the building to lease, purchase, or occupy the premises;
- (g) A signed and notarized Physician Affidavit Form, if applicable;
- (h) A signed and notarized Acknowledgment and Attestation form;
- (i) A detailed description of the proposed operations plan and closure plan;
- (j) A detailed description of the proposed business plan and services to be offered;
- (k) A proposed staffing plan (if there are no changes, to the existing staffing plan it may be resubmitted);
- (l) The proposed security plan (if there are no changes, the existing security plan may be resubmitted);

- (m) The proposed product safety, quality control, and labeling plan (if there are no changes to the existing product safety, quality control, and labeling plan, it may be resubmitted);
- (n) The proposed recordkeeping and inventory tracking plan (if there are no changes to the existing recordkeeping and inventory tracking plan, it may be resubmitted);
- (o) The proposed environmental plan, if applicable (if there are no changes to the existing environmental plan, it may be resubmitted);
- (p) Information on the source of funds used to acquire the ownership or control interests of the dispensary, cultivation center, or testing laboratory;
- (q) A copy of both the Bill of Sale and the Purchase and Sale Agreement between the former registrant and new applicant; and
- (r) A notarized and signed copy of the Transfer of Registration Affidavit Form.

5502.5 The proposed transferee(s) shall pass a criminal background check.

5502.6 If the proposed transfer pertains to a medical marijuana dispensary registration, the proposed transferee(s) shall not own or control the interest of one percent (1%) or more in another medical marijuana dispensary registered to operate in the District of Columbia or that has been deemed eligible to operate in the District of Columbia.

5502.7 The proposed transferee(s) shall not operate the dispensary, cultivation center, or testing laboratory until they have received a registration issued by the Department.

A new Section 5503 is added to read as follows:

5503 CHANGE OF LOCATION OR EXPANSION

5503.1 At least thirty (30) days before executing an agreement that will result in the change of location or expansion of a dispensary, cultivation center, or testing laboratory, the registrant shall submit to the Department an application for a change of location or expansion.

5503.2 An application for change of location of a dispensary, cultivation center, or testing laboratory shall be subject to ANC review, and shall not be approved if the relocation would result in more than two (2) dispensaries or six (6) cultivation centers being registered to operate within a single election ward.

5503.3 A registrant shall not relocate or expand until the registrant has received written approval from the Department to relocate or expand.

- 5503.4 If a registrant relocates or expands without Department approval, the registrant's registration, or authorization to apply for a registration, shall automatically be deemed void and shall be surrendered to the Department upon demand.
- 5503.5 To apply for a change of location or to expand into adjacent property, a registrant shall complete a Department of Health application form and provide the following:
- (a) The legal business name, including trade name, if applicable, and current address of the dispensary, cultivation center, or testing laboratory;
 - (b) The contact person's name, address, email address, telephone number, and facsimile number;
 - (c) The address of the proposed location;
 - (d) The proposed date for closing the current location, if relocating;
 - (e) The proposed date of relocation or expansion;
 - (f) The proposed date of opening the new location or expanded location;
 - (g) All required ownership information including the name, title, address, and telephone number of the individual owner, partner(s), corporate officer(s), or members;
 - (h) A valid zoning determination letter for the proposed location;
 - (i) A certified surveyor's report detailing the proximity of the proposed location to the nearest public or private preschool, primary or secondary school or recreation center;
 - (j) Evidence that the registrant has entered into a bona fide agreement with the owner of the building to lease, purchase, or occupy the new location or expanded premises;
 - (k) The site plan for the proposed location or expanded location;
 - (l) A detailed security plan for the proposed location or expanded location;
 - (m) A detailed description of the proposed operations plan and closure plan for the proposed location;
 - (n) A detailed description of the proposed business plan and services to be offered for the proposed location or expanded location;

- (o) A detailed description of the suitability of the proposed location or expanded location;
- (p) A proposed staffing plan;
- (q) The proposed product safety, quality control, and labeling plan;
- (r) The proposed recordkeeping and inventory tracking plan;
- (s) The environmental plan for the proposed location or expanded location, if applicable;
- (t) A signed and notarized Physician Affidavit Form, if applicable; and
- (u) A signed and notarized Acknowledgment and Attestation form.

5503.6 As part of the review of an application for a change of location, the Director shall give written notice through the mail of the application to all ANCs in the affected ward, pursuant to the requirements set forth in § 5107 of this subtitle.

5503.7 Pursuant to § 5109 of this subtitle, the comments timely submitted by an ANC located in the affected ward for consideration shall relate to the ANC's concerns or support regarding the proposed location including but not limited to:

- (a) The potential adverse impact of the proposed location to the neighborhood;
- (b) An overconcentration or lack of cultivation centers or dispensaries in the affected ward; and
- (c) Its proximity to substance abuse treatment centers, day care centers, and halfway houses.

5503.8 The timely comments submitted by an ANC located in the affected ward, shall be reviewed by the Director in accordance with D.C. Official Code § 1-309.10(d).

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF SECOND PROPOSED RULEMAKING**Greenhouse Gas (GHG) Intensity Limits for Fuels Used in Fuel-Burning Equipment**

The Director of the Department of Energy and Environment (“DOEE”), pursuant to the authority set forth in Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984 (the “Act”), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 & 8-101.06 (2013 Repl. & 2019 Supp.)); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4) (2013 Repl. & 2019 Supp.)); and Mayor’s Order 2006-61, dated June 14, 2006, hereby gives notice of the intent to amend Chapter 8 (Air Quality — Asbestos, Sulfur, Nitrogen Oxides and Lead), to Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

On June 28, 2019, DOEE published a proposed rulemaking to establish a maximum carbon dioxide (CO₂) intensity threshold of 180 lbs/mm BTU for fuel burned within the District, either for electricity or heating. See 66 DCR 7688 (June 28, 2019). The proposed rule established a compliance deadline of December 31, 2019. One comment letter was submitted to the rulemaking docket. The commenter requested that DOEE provide a rationale for the chosen limit and also encouraged DOEE to consider alternative options for complying with the proposed limit, specifically recommending the following alternatives:

- Provide for an emission limitation averaging period that is greater than one day and allow averaging across fuels.
- Allow for a site-wide average limitation for facilities that operate multiple emissions units.
- Include an option to create or procure CO₂ allowances for emissions above the limitation.
- Provide an option in the rule to set a source-specific CO₂ emission limit.
- Provide an allowance for backup fuels that are unable to meet the limitation such as an annual fuel usage limitation or capacity factor limitation.
- Extend the compliance deadline to allow a longer compliance timeline for existing sources.

DOEE has evaluated these suggestions and has determined that the last suggestion, an extension of the compliance deadline, is the most consistent with the purpose of the rule and is therefore amending and republishing the rule for purposes of making this change. DOEE is proposing a compliance deadline of March 31, 2023, with an option to request an extension until March 31, 2025. The 2023 deadline coincides with federal requirements to evaluate the adequacy of existing reasonably available control technologies (RACT) and establish and implement new standards where appropriate. Facilities that are subject to this rule are also likely to be subject to the RACT requirements, and therefore would likely already be required to perform upgrades to their emission unit(s) by 2023. DOEE is proposing to align the two deadlines so that facilities may evaluate compliance options for both regulatory requirements at the same time. DOEE is reopening the rulemaking in order to solicit comments on whether the proposed deadline is appropriate in light of the rule’s purpose to regulate the burning of carbon intense fuels in the District and the ability of facilities to make the necessary upgrades to comply. For a more detailed response to the

comments, including the rationale for the chosen limit, please see DOEE's website at <https://doee.dc.gov/service/public-notices-hearings>.

Chapter 8, AIR QUALITY — ASBESTOS, SULFUR, NITROGEN OXIDES AND LEAD, of Title 20 DCMR, ENVIRONMENT, is amended to read as follows:

The title of the chapter is amended to read as follows:

**CHAPTER 8 AIR QUALITY - ASBESTOS, SULFUR, NITROGEN OXIDES, LEAD,
AND CARBON DIOXIDE**

A new Section 807 is added to read as follows:

**807 FUEL CARBON INTENSITY STANDARDS FOR FACILITIES
OPERATING WITHIN THE DISTRICT**

807.1 *Applicability.* The requirements of this section shall apply to all fuel burning equipment subject to the requirements of 20 DCMR § 200.

807.2 *Emissions limits.* The following limitation shall apply to each individual fuel type or component fuel before it is blended or combined with any other fuel. The requirements of this part cannot be met by combining a fuel that exceeds the emission limits of this part with a fuel that does meet the threshold in order to lower the overall emission rate. In accordance with the deadlines specified in § 807.5, any new or existing fuel burning equipment is required to meet the following:

- (a) An emission rate of 180 pounds of CO₂ per million Btu of heat input, daily average basis, shall not be exceeded for each fossil fuel combusted; and
- (b) Each component fuel shall meet the threshold set forth in paragraph (a) and may not be blended with another lower CO₂ emitting fuel to achieve compliance with this part.

807.3 *Deemed Compliance.* Fuel oil meeting the requirements of § 801, biomass, digester gas, kerosene, propane, and natural gas are deemed compliant with this part without further compliance determination, reporting, or certification required.

807.4 *Compliance Determination.* The owner or operator of each emission source subject to this section, and using any fuel not deemed compliant pursuant to § 807.3, shall determine compliance with the requirements of § 807.2 by the following method:

- (a) Determine the gross calorific value (heat content) of the fuel as follows:

- (1) For coal, sample and test in accordance with ASTM Method D5865 or other method approved in advance by the Department pursuant to § 502.3;
 - (2) For other fuels, sample and test in accordance with a test method approved in advance by the Department pursuant to § 502.3; and
 - (3) Perform such testing at least once per calendar year to represent the fuel used since the last test, except as specified in § 807.4(a)(4); or
 - (4) In lieu of the testing specified in § 807.4(a)(1-3), fuel specifications obtained from the fuel supplier, with an updated version obtained annually from said fuel supplier, and citing a test method approved by the Department, may be used; and
- (b) Determine the CO₂ mass emissions from the emission source by direct measurement or fuel analysis as follows:
- (1) To determine CO₂ emissions by direct measurement, install, maintain, and operate CEMS to monitor CO₂ or O₂ concentration in combination with a continuous parametric monitoring system (CPMS) for stack gas flow rate in accordance with the relevant provisions of 40 CFR part 75 and use the procedures in 40 CFR part 75, Appendix F to determine CO₂ mass emissions; or
 - (2) To determine CO₂ emissions by fuel analysis, follow the procedures in 40 CFR part 75, Appendix G;
- (c) If fuel blending is used, only the fuel analysis method specified in § 807.4(b)(2) shall be an acceptable method for determining CO₂ mass emissions for use in determining compliance with this section in order to document compliance for each component fuel as required by § 807.2(b);
- (d) Monitor and record the amount of fuel used each day; and
- (e) Using the information obtained by the procedures in § 804.7(a) through (d), determine and record the pounds of CO₂ per million Btu of heat input, daily average basis, for each fossil fuel combusted each day from each emission unit covered by this section.

807.5 *Compliance Deadlines.* The owner or operator of each emission source subject to this section shall comply with the requirements of this section in accordance with the following schedule:

- (a) Except as specified in § 807.5(b), the owner or operator shall fully comply with the requirements of this section by March 31, 2023;
- (b) The owner or operator may obtain an extension to no later than March 31, 2025 to the deadline in § 807.5(a) if a District-enforceable condition has been placed upon source operations limiting use of the otherwise non-compliant fuel type or component fuel to the following circumstances after March 31, 2023:
 - (1) For periods of tuning and testing on the otherwise non-compliant fuel type or component fuel, not to exceed a total of forty-eight (48) hours during any calendar year;
 - (2) During periods of involuntary natural gas supply interruptions, which does not include interruptions resulting from gas curtailment resulting from an interruptible gas supply contract;
 - (3) During periods of extreme cold weather where the facility affected by this rule would not be capable of providing a reasonable service to its supported facility or facilities through use of other fully compliant fuel types; and
 - (4) During any “Force Majeure” event which prevents the source from providing a reasonable level of service to its supported facility or facilities through use of other fully compliant fuel types, where “Force Majeure” is defined as any of the following:
 - (A) Act of God (such as, but not limited to, fires, explosions, earthquakes, hurricanes, tornados, tidal waves, and floods);
 - (B) War, hostilities (whether war is declared or not), invasion, act of foreign enemies, mobilization, requisition, or embargo;
 - (C) Rebellion, revolution, insurrection, or military or usurped power, or civil war;
 - (D) Riot, strikes, or lock outs associated with fuel delivery; and
 - (E) Acts or threats of terrorism that impact or threaten to impact the source; and
- (c) Whenever an extension is obtained under § 807.5(b), the Department shall establish sufficient record keeping and reporting conditions under a permit issued pursuant to § 200 to ensure that the Department is able to determine that any and all operations using the otherwise non-compliant fuel type or

component fuel is only used in accordance with the circumstances specified in §§ 807.5(b)(1) through (4).

807.6 *Reporting and Compliance Certification.* The owner or operator of each emission source subject to this section, and using any fuel not deemed compliant pursuant to § 807.3, shall submit to the Department, within one calendar month following the end of each calendar quarter, a report of the daily average pounds of CO₂ per million Btu of heat input emitted from the use of any such fuel during that calendar quarter. The owner or operator shall certify the truth, accuracy, and completeness of each report by the method specified in 20 DCMR § 301.4.

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked “Public Comments: Section 897 of the Air Quality Regulations” and filed with DOEE, Air Quality Division, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Stephen Ours, or e-mailed to airqualityregulations@dc.gov. Copies of the above documents may be obtained from DOEE at the same address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**RM9-2020-03, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code (D.C. Official Code) and in accordance with Section 2-505 of the D.C. Official Code,¹ of its intent to amend the following provisions in Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. The purpose of the amendments is to incrementally increase the allowable generation threshold for net metering facilities and determine how credits related to excess generation should be accounted for individual behind-the-meter generators. All persons interested in commenting on this Notice of Proposed Rulemaking (NOPR or Notice) shall submit written comments no later than thirty (30) days after publication of this NOPR in the *D.C. Register*.

3. Pursuant to Commission Order Nos. 19676 and 19692, Commission Staff was directed to convene a working group to review the Commission's Net Energy Metering (NEM) rules and determine whether the generating threshold for net energy metering systems for individual behind-the-meter generators should be increased beyond one hundred percent (100%) of the customer's historical usage. The Working Group held eight meetings and came to the consensus that the generating threshold for net energy metering systems for individual behind-the-meter generators should be increased beyond 100% of the customer's historical usage. Given the Working Group's consensus to increase beyond 100% of the customer's historical usage, Subsection 901.2 is added to allow an incremental increase of the generation threshold by 20% annually, until the generation threshold reaches 200%. Furthermore, Subsections 902.3 and 903.5 are amended to memorialize the Working Group's consensus on how payment should be handled for excess generation. The billing account of the facility will have a rolling monthly kWh credit for excess generation not used in a given month. Any monthly excess generation, used to offset usage, will be calculated at the full retail rate. Furthermore, any total remaining excess kWh at the end of the calendar year, will be calculated at the generation rate only. Lastly, total remaining excess kWh at the end of the calendar year that amounts to greater than twenty-five dollars (\$25.00) will be refunded to the customer.

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

Section 901, ELIGIBLE CUSTOMER-GENERATORS, is amended to read as follows:

901.1 Eligible customer-generators utilizing renewable resources, cogeneration, fuel cells, or microturbines may elect and shall be afforded the opportunity to participate in net energy metering. An eligible customer-generator's facility shall meet all

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

applicable safety and performance standards established by the National Electrical Code (“NEC”), National Electrical Safety Code (“NESC”), the Institute of Electrical and Electronics Engineers (“IEEE”), Underwriters Laboratories (“UL”) and any other relevant standards specified by the Commission.

901.2 For the purpose of net metering throughout this chapter, eligible customer-generators with net energy metering are allowed to incrementally increase its generation threshold, when filing a new or amended interconnection application, beyond one hundred percent (100%) of the customer historical twelve (12)-month usage annually as follows:

(a) Allowable Generation Threshold Schedule:

- (1) 120% in 2020,
- (2) 140% in 2021,
- (3) 160% in 2022,
- (4) 180% in 2023, and
- (5) 200% in 2024.

(b) On or before October 1, 2021, and each October 1 thereafter, if the Electric Company identifies a reliability, safety, or cost impact on the electric distribution system caused by the implementation of the Generation Threshold Schedule in Subsection (a), the Electric Company may request suspension of the increase in the following year. The Electric Company’s filing should identify the specific reliability, safety, and cost impacts identified and provide a timeline for developing a plan to address those impacts. Absent such a request, the increase will take place automatically on January 1 each year. The allowable generation threshold for 2020 will become effective upon publication of these final rule amendments in the *D.C. Register*.

Section 902, NET ENERGY BILLING AND CREDITING FOR CUSTOMERS OF COMPETITIVE ENERGY SUPPLIERS, is amended to read as follows:

902.1 A customer that has elected net energy billing may obtain generation service from any Competitive Electricity Supplier that agrees to provide service on a net energy basis. In such circumstances, the net inflow or outflow of electricity supplied to or by the customer-generator will be billed or credited at the Competitive Electricity Supplier’s energy rate specified in the agreement between the customer-generator and the Competitive Electricity Supplier. The Competitive Electricity Supplier shall be responsible for calculating the net energy bill (or credit) amount for each billing period.

902.2 For customer-generators purchasing generation and transmission service from a Competitive Electricity Supplier, if the customer-generator’s kilowatt-hour usage during the billing period exceeds the kilowatt-hours generated by the customer-generator during that period, the customer-generator will be billed for the net

energy delivered by the Electric Company at the full retail distribution rate for distribution service. In no event shall distribution-related usage charges be applied to the kilowatt-hours generated by the customer's net metering facility.

- 902.3 For a customer-generator with an electric generating facility that has a capacity less than or equal to one hundred (100) kilowatts, if the electricity generated during the billing period by the customer-generator's facility exceeds the customer-generator's kWh usage during the billing period (excess generation), the customer-generator's next monthly bill will be credited by the Electric Company for the excess generation at the full retail distribution rate. At the end of the calendar year (December), excess generation that exceeds one hundred percent (100%) of the annual consumption, will be compensated at the generation rate only, per kWh. If a credit is greater than twenty-five dollars (\$25) at the end of the calendar year, the Electric Company is directed to issue a refund to the customer. If the excess generation credit at the end of the calendar year is not greater than \$25, the remaining credit, calculated at the full retail distribution rate shall be carried over until such time as the full credit has been exhausted. In no event shall such distribution-related compensation for excess generation apply to customer-generators with electric generating facilities that have a capacity greater than 100 kilowatts.
- 902.4 Net energy billing applies only to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered through fixed amounts or over units other than kilowatt-hours, including customer and/or demand charges, as applicable.

Section 903, NET ENERGY BILLING AND CREDITING FOR SOS CUSTOMERS, is amended to read as follows:

- 903.1 This section governs the billing practices applicable to participating net energy billing customers receiving SOS generation service during a billing period. In no event shall transmission or distribution-related usage charges be applied to the kilowatt-hours generated by the customer's net metering facility.
- 903.2 If the value of the generation (generation value) used to supply the customer's usage exceeds the generation value of the electricity generated by the customer's net metering facility during the billing period, the customer-generator will be billed for the difference between the generation value of the energy consumed and the energy supplied.
- 903.3 For a customer-generator with an electric generating facility that has a capacity less than or equal to one thousand (1,000) kilowatts, if the generator value of the electricity generated by the customer's net metering facility exceeds the generation value of the electricity used to supply the customer's usage during the billing period, the customer-generator's next bill will be credited for the difference between the generation value of the energy supplied and the energy consumed. The

credit for the difference in generation value shall be expressed as a dollar value on the customer-generator's bill. If the full credit is not exhausted during the next billing period, the remaining credit shall be carried over until such time as the full credit has been exhausted.

- 903.4 If the customer's kWh usage exceeds the electricity generated by the customer's net metering facility during the billing period, the customer-generator will be billed transmission and distribution related usage charges on the net energy supplied to the customer during the billing period.
- 903.5 For a customer-generator with an electric generating facility that has a capacity less than or equal to 100 kilowatts, if the electricity generated during the billing period by the customer-generator's facility exceeds the customer-generator's kWh usage during the billing period (excess generation), the customer-generator's next monthly bill will be credited for the excess generation at the full retail rate for transmission and distribution service applicable during the billing period in which the excess generation occurred. At the end of the calendar year (December), excess generation that exceeds 100% of the annual consumption, will be compensated at the generation rate only, per kWh. If a credit is greater than \$25 at the end of the calendar year, the Electric Company is directed to issue a refund to the customer. If the excess generation credit at the end of the calendar year is not greater than \$25, the remaining credit, calculated at the full retail rate for transmission and distribution service, shall be carried over until such time as the full credit has been exhausted. In no event shall such transmission- and distribution-related compensation for excess generation apply to customer-generators with electric generating facilities that have a capacity greater than 100 kilowatts.
- 903.6 Net energy billing applies only to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered through fixed amounts or over units other than kilowatt-hours, including customer, demand and/or minimum charges, as applicable.

4. Any person interested may submit written comments and reply comments on this NOPR not later than thirty (30) days and forty-five (45) days, respectively, after publication of this Notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, and sent electronically on the Commission's website at https://edocket.dcpSC.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2019 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), hereby gives notice that at its regularly scheduled meeting on May 7, 2020, the Board adopted Resolution #20-41 to extend the public comment period for the proposed rulemaking to amend Section 112 (Fees) of Chapter 1 (Water Supply) and Sections 4100 (Rates for Water Service), 4101 (Rates and Charges for Sewer Service), and 4102 (Customer Assistance Programs) of Chapter 41 (Retail Water and Sewer Rates and Charges) of Title 21 (Water and Sanitation) District of Columbia Municipal Regulations (DCMR).

The purpose of this notice is to extend the public comment period for the Notice of Proposed Rulemaking, published in the *District of Columbia Register* (DCR) on March 20, 2020 at 67 DCR 3282, that proposed amendments of the fees and charges for Fiscal Year 2021 and 2022 for the Payment-in-Lieu-of-Taxes (PILOT) Fee, Customer Metering Fee, Retail Rates for Metered Water Services, Retail Rates for Sewer Services, Clean Rivers Impervious Area Charge (CRIAC), and amendments to the rules for the Customer Assistance Programs, effective October 1, 2020 and October 1, 2021 as noted herein. The original public comment period was scheduled to end on June 15, 2020, which is now extended to **August 10, 2020**. All comments received by **Monday, August 10, 2020**, will be considered.

The Board requests comments on the proposed rulemaking as republished herein. The Board will also receive comments at a public hearing on the proposed amendments of the Retail Water Rates for Water Service, Retail Rates for Sanitary Sewer Service and amendments to the Customer Assistance Programs. A Notice of Public Hearing is published in this edition of the *D.C. Register*. The Public Hearing will be held at the DC Water Headquarters, 1385 Canal Street, S.E. at 6:30 pm on August 5, 2020. Final rulemaking action shall be taken in not less than thirty (45) days from the date of publication of this notice in the *D.C. Register*.

This proposed rulemaking, if finalized, will be effective October 1, 2020.

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

Section 112, FEES, Subsections 112.8 and 112.9, are amended to read as follows:

112.8 The District of Columbia Right-of-Way Occupancy Fee Pass Through Charge and the Payment-in-Lieu of Taxes (PILOT) Fee shall be as follows:

- (a) District of Columbia Right-of-Way Fee, assessed to recover the cost of fees charged by the District of Columbia to D.C. Water and Sewer Authority for use of District of Columbia public space and rights of way, for each one hundred cubic feet (1 Ccf) of water use shall be:

Customer	Effective October 1, 2020		Effective October 1, 2021	
	Per Ccf of water use	Per 1,000 Gals. of water use	Per Ccf of water use	Per 1,000 Gals. of water use
Residential	\$0.19	\$0.25	\$0.19	\$0.25
Multi-Family	\$0.19	\$0.25	\$0.19	\$0.25
Non-Residential	\$0.19	\$0.25	\$0.19	\$0.25

- (b) Payment-in-Lieu of Taxes (PILOT) Fee to the Office of the Chief Financial Officer (OCFO) of the District of Columbia, assessed to cover the amount which D.C. Water and Sewer Authority pays each fiscal year to the District of Columbia, consistent with D.C. Water and Sewer Authority's enabling statute for public goods and services received from the District of Columbia, for each one hundred cubic feet (1 Ccf) of water use shall be:

Customer	Effective October 1, 2020		Effective October 1, 2021	
	Per Ccf of water use	Per 1,000 Gals. of water use	Per Ccf of water use	Per 1,000 Gals. of water use
Residential	\$0.54	\$0.72	\$0.56	\$0.75
Multi-Family	\$0.54	\$0.72	\$0.56	\$0.75
Non-Residential	\$0.54	\$0.72	\$0.56	\$0.75

112.9

Customer Metering Fee – Monthly fees for installing, operating, and maintaining meters shall be as follows:

Meter Size (inches)	Effective October 1, 2020	Effective October 1, 2021
	Monthly Fee per Meter	Monthly Fee per Meter
5/8"	\$4.96	\$7.75
3/4"	\$5.22	\$8.16

	Effective October 1, 2020	Effective October 1, 2021
Meter Size (inches)	Monthly Fee per Meter	Monthly Fee per Meter
1"	\$5.86	\$9.16
1"x1.25"	\$6.21	\$9.70
1.5"	\$8.85	\$13.82
2"	\$9.69	\$15.14
2"x1/2"	\$10.28	\$16.07
2"x5/8"	\$10.28	\$16.07
3"	\$98.92	\$154.56
3"x5/8"	\$100.16	\$156.49
3"x3/4"	\$100.16	\$156.49
4"	\$176.52	\$275.81
4"x3/4"	\$177.52	\$277.38
4"x1"	\$177.52	\$277.38
4x2	\$177.52	\$277.38
4"x2"x5/8"	\$232.64	\$363.49
6"	\$344.56	\$538.37
6"x1/2"	\$415.17	\$648.70
6"x1"	\$350.42	\$547.52
6"x1-1/2"	\$350.42	\$547.52
6"x3"	\$415.17	\$648.70
6"x3"x3/4",	\$415.17	\$648.70
8"	\$415.42	\$649.10
8"x2"	\$415.42	\$649.10
8"x4"x1"	\$460.36	\$719.31
10"	\$408.51	\$638.30
10"x2"	\$518.65	\$810.38
10"x6"	\$518.65	\$810.38
10"x6"x1"	\$518.65	\$810.38
12"	\$423.61	\$661.89
12"x6"	\$423.61	\$661.89
16"	\$449.04	\$701.62

Chapter 41, RETAIL WATER AND SEWER RATES AND CHARGES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 4100, RATES FOR WATER SERVICE, Subsection 4100.3, is amended to read as follows:

4100.3 The retail rates for metered water service for each one hundred cubic feet (1 Ccf) of water use shall be:

Customer	Effective October 1, 2020		Effective October 1, 2021	
	Per Ccf of water use	Per 1,000 Gals. of water use	Per Ccf of water use	Per 1,000 Gals. of water use
Residential - 0 to 4 Ccf	\$3.49	\$4.67	\$3.63	\$4.85
Residential - Greater than 4 Ccf	\$4.50	\$6.02	\$4.74	\$6.34
Multi-Family	\$3.96	\$5.29	\$4.15	\$5.55
Non-Residential	\$4.65	\$6.22	\$4.91	\$6.56

Section 4101, RATES AND CHARGES FOR SEWER SERVICE, is amended as follows:

Paragraph 4101.1(a) is amended to read as follows:

4101.1 (a) The retail rates for sanitary sewer service for each one hundred cubic feet (1 Ccf) of water use shall be:

Customer	Effective October 1, 2020		Effective October 1, 2021	
	Per Ccf of water use	Per 1,000 Gals. of water use	Per Ccf of water use	Per 1,000 Gals. of water use
Residential	\$9.77	\$13.06	\$10.64	\$14.22
Multi-Family	\$9.77	\$13.06	\$10.64	\$14.22
Non-Residential	\$9.77	\$13.06	\$10.64	\$14.22

Subsection 4101.3 is amended to read as follows:

4101.3 The annual Clean Rivers Impervious Area Charge (CRIAC) per Equivalent Residential Unit (ERU) shall be:

Customer	Effective October 1, 2020		Effective October 1, 2021	
	Annual CRIAC per ERU	Monthly CRIAC per ERU	Annual CRIAC per ERU	Monthly CRIAC per ERU
Residential	\$234.24	\$19.52	\$220.80	\$18.40
Multi-Family	\$234.24	\$19.52	\$220.80	\$18.40
Non-Residential	\$234.24	\$19.52	\$220.80	\$18.40

Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended as follows:

Paragraph 4102.2(b) is amended to read as follows:

4102.2 CUSTOMER ASSISTANCE PROGRAM (CAP)

...

(b) An approved CAP customer shall receive the following benefits:

- (1) Exemption from water service charges, sewer service charges, Payment-in-Lieu of Taxes (PILOT) fees and Right-of-Way (ROW) fees for the first Four Hundred Cubic Feet (4 Ccf) per month of water used. If the customer uses less than Four Hundred Cubic Feet (4 Ccf) of water in any month, the exemption will apply based on the amount of that month's billed water usage;
- (2) Credit of one hundred percent (100%) off of the monthly billed Water System Replacement Fee; and
- (3) Credit of seventy-five percent (75%) off of the monthly billed CRIAC.

Paragraph 4102.2(c) is amended and Paragraph 4102.2(e) is deleted, as follows:

4102.2 CUSTOMER ASSISTANCE PROGRAM II (CAP2)

...

(c) Upon DC Water's receipt of notice from DOEE that the CAP2 customer meets the financial eligibility requirements, DC Water shall provide the CAP2 benefits for not more than the entire fiscal year, beginning October 1st and terminating on September 30th, subject to the availability of budgeted funds.

- (1) Approved CAP2 customers that submitted a complete application to DOEE before November 1st, shall receive CAP2 benefits retroactive to October 1st and terminating on September 30th of that fiscal year.
- (2) Approved CAP2 customers that submitted a complete application on or after November 1st, shall receive CAP2 benefits as of the date of submittal and terminating on September 30th of that fiscal year.
- (3) Customers shall reapply each year for CAP2 benefits to receive CAP2 benefits.

These proposed rates and fees are also posted on DC Water's website, which includes the Cost of Service Study, dated March 5, 2020 that provides the basis for the rate and fee proposals, an Independent Review of Rate Structure and Customer Assistance Programs, dated November 19, 2019, and a Rate Calculator that can be used to help our customers understand the impact of these rate and fee changes, and other information about the rate making process. This information can be found at: <https://www.dewater.com/fy2021-and-fy2022-proposed-rates>.

Comments on these proposed rules shall be submitted in writing no later than August 10, 2020 to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003, by email to Lmanley@dewater.com, or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from DC Water at the same address or by contacting Ms. Manley at (202) 787-2330.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, § 203(3); D.C. Official Code § 34-2202.03(3) (2019 Repl.)) and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice that at its regularly scheduled meeting on May 7, 2020, the Board adopted Resolution #20-40 to propose the amendment of Section 402 (Initiating a Challenge) of Chapter 4 (Contested Water and Sewer Bills) of Title 21 (Water and Sanitation) District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend rules for challenging the current charges in a bill to provide customers additional time to initiate a challenge to the current charges in their bill from “within ten (10) working days after receipt of the bill” to “within thirty (30) calendar days after the bill date” as proposed herein. The Board requests comments on this proposed rulemaking.

The Board will take final action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 4, CONTESTED WATER AND SEWER BILLS, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 402, INITIATING A CHALLENGE, Subsections 402.1 and 402.2, are amended to read as follows:

- 402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:
- (a) Paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or
 - (b) Not paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.
- 402.2 Challenges received after the thirty-day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.

All persons desiring to comment on these proposed rules should submit comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be submitted to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003, by email to Lmanley@dcwater.com, or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from DC Water at the same address or by contacting Ms. Manley at (202) 787-2330.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to the authority established in Mayor's Order 2008-92, dated June 26, 2008; Mayor's Order 2019-081, dated September 13, 2019; and Section 404(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 ("CMPA"), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.04(a) (2016 Repl.)), hereby gives notice of the adoption on an emergency basis the following amendments to Chapter 4 (Suitability) of Title 6 (Personnel), Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules will amend relevant provisions to align with Mayor's Order 2019-081 for the application and enforcement of the District of Columbia's general suitability and drug screening program as it relates to permitted cannabis use. Section 407 is amended to require vacancy announcements for safety sensitive positions to state that appointees may be disqualified for testing positive for cannabis regardless of whether they possess a medical marijuana card. Section 409 is amended to bar agencies from automatically designating all positions as safety, protection, or security sensitive, establish an agency annual review of their designated positions, and provide an appeal remedy for employees. Section 410 is amended to add an additional category to the examples of types of positions that may be designated as safety sensitive and make minor revisions to the identifying factors that determine if a position should be designated as safety sensitive. Section 411 is amended to reflect the fact that pre-employment drug testing for protection sensitive employees will no longer require disqualification for a positive cannabis test. Section 425 is amended to include minor typographical changes. Section 426 is amended to provide notification requirements regarding random drug testing to include the testing of cannabis. Section 427 is amended to include minor clarifications. Section 428 is amended to highlight certain exceptions to positive cannabis test result consequences. A new section 429 is added to provide specific guidelines for positive test results for cannabis for employees. Subsequent sections are renumbered. Section 429 (renumbered to 430) is amended to allow agencies to defer drug testing to a later date if an appointee discloses previous cannabis use, to provide a possible second test opportunity after a positive cannabis result, and to state that protection-sensitive appointees will not be disqualified based on positive results for cannabis in pre-employment tests. Section 430 (renumbered to 431) is amended to include minor typographical changes. Section 431 (renumbered to 432) is amended to add that enrollment in a medical marijuana program shall not be a basis for reasonable suspicion. Section 432 (renumbered to 433) is amended to add that reasonable suspicion observations shall be conducted after an accident or incident, when feasible. Sections 433 (renumbered to 434) and 434 (renumbered to 435) are amended to include minor typographical changes. Section 435 (renumbered to 436) is amended to explicitly prohibit agencies from deeming an employee unsuitable based solely on their possession of a medical marijuana card or equivalent from a reciprocal jurisdiction. Subsequent sections in the Chapter are also renumbered to accommodate the new section 429. Additional minor edits are made throughout the chapter to replace "Section" and "Subsection" with the "§" symbol.

These emergency amendments are necessary to preserve the financial welfare of District employees. Under current regulatory guidelines, whenever an employee tests positive for cannabis he or she is subject to immediate termination. The emergency amendments employ a progressive disciplinary model under which the recommended consequence for such employees will be a suspension, adding additional job protections that would otherwise not be available absent final rulemaking.

The Director also gives notice of her intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

Section 407, ENHANCED SUITABILITY SCREENING - RECRUITMENT REQUIREMENTS, is amended to read as follows:

407 ENHANCED SUITABILITY SCREENING – RECRUITMENT REQUIREMENTS

- 407.1 In the case of competitive recruitment for a position requiring an enhanced suitability screening, the vacancy announcement and subsequent offer letter to the appointee shall state that:
- (a) The position for which he or she is applying has been identified and designated as requiring enhanced suitability screening;
 - (b) If tentatively selected for the position, a criminal background check, traffic record check, consumer credit check, and mandatory drug and alcohol testing, as appropriate, will be conducted; and
 - (c) An appointee’s offer of employment shall be contingent upon receipt of a satisfactory enhanced suitability screening.
- 407.2 For safety sensitive positions, in addition to the requirements in § 407.1, each vacancy announcement shall state that the position is subject to pre-employment drug testing, which includes testing for cannabis, and that failing the drug test may result in disqualification even if the applicant participates in a medical marijuana program.
- 407.3 In the case of non-competitive recruitment for a position requiring enhanced suitability screening, the offer letter to the individual being considered for employment shall be provided and contain the information outlined in this section.
- 407.4 An appointee’s offer of employment shall be contingent upon receipt of a satisfactory enhanced suitability screening. No appointee shall work in an unsupervised setting, prior to receiving the results of the screening, or prior to the program administrator making a determination that the appointee meets the requirements of this chapter.

Section 409, POSITIONS SUBJECT TO ENHANCED SUITABILITY SCREENING, is amended to read as follows:

409 POSITIONS SUBJECT TO ENHANCED SUITABILITY SCREENING

409.1 The types of positions that are subject to enhanced suitability screenings for appointees, volunteers, and employees are positions with duties and responsibilities that shall be categorized as follows:

- (a) Safety sensitive, which are positions with duties or responsibilities that if performed while under the influence of drugs or alcohol could lead to a lapse of attention that could cause actual, immediate and permanent physical injury or loss of life to self or others;
- (b) Protection sensitive, which are positions that are not safety sensitive positions, but that include duties or responsibilities that involve caring for patients or other vulnerable persons; and
- (c) Security sensitive, which are positions of special trust that may reasonably be expected to affect the access to or control of activities, systems, or resources that are subject to misappropriation, malicious mischief, damage, or loss or impairment of communications or control.

409.2 Each agency head (or his or her designee), with the concurrence of the program administrator, shall determine and designate which positions in the agency are subject to enhanced suitability screenings.

- (a) The agency head (or his or her designee) shall establish a roster of the designated positions, which shall be approved by the agency's head of human resources, general counsel, and director.
- (b) No later than September 30 of each year, agencies shall provide the roster of designated position to the program administrator for final approval.
- (c) The designation of a position as safety, protection, or security sensitive is not subject to the grievance procedures outlined in Chapter 16. However, an impacted employee may appeal such a designation pursuant to § 409.4.
- (d) An agency shall not automatically designate every position in the agency as safety, protection, or security sensitive. The agency must consider individually each position according to the relevant factors.
- (e) Each agency shall annually review position sensitivity designations to ensure that they are consistent with the position's actual duties and responsibilities.

- 409.3 An employee who is detailed, temporarily promoted, or temporarily reassigned from a non-covered position to a covered position shall affirmatively agree to an enhanced suitability screening upon the effective date of the personnel action, and to periodic criminal background and traffic record checks, as appropriate, while detailed, temporarily promoted, or temporarily reassigned to the covered position.
- 409.4 An employee may appeal the designation of his or her position as safety, protection, or security sensitive. Any such appeal must be in writing and filed with the program administrator.
- (a) The program administrator must issue a decision in response to an appeal within thirty (30) days after the date the employee filed the appeal.
 - (b) The decision issued by the program administrator shall be final and not subject to further administrative review.
 - (c) A pending appeal shall not impact any drug testing requirements to which the employee is subject in his or her position as then currently designated.

Section 410, SAFETY SENSITIVE POSITIONS - GENERAL PROVISIONS, is amended to read as follows:

410 SAFETY SENSITIVE POSITIONS – GENERAL PROVISIONS

- 410.1 In addition to the general suitability screening, individuals applying for or occupying safety sensitive positions are subject to the following checks and tests:
- (a) Criminal background check;
 - (b) Traffic record check (as applicable);
 - (c) Pre-employment drug and alcohol test;
 - (d) Reasonable suspicion drug and alcohol test;
 - (e) Post-accident or incident drug and alcohol test;
 - (f) Random drug and alcohol test; and
 - (g) Return-to-duty or follow-up drug and alcohol test.
- 410.2 Subject to the requirements of § 409.1(a), examples of safety sensitive duties and responsibilities include, but are not limited to:
- (a) Operating large trucks, heavy or power machinery, or mass transit vehicles, tools, or equipment;

- (b) Handling hazardous quantities of chemical, biological or nuclear materials;
- (c) Maintaining the safety of patrons in and around a pool or aquatic area;
- (d) Engaging in duties directly related to the public safety, including, but not limited to, responding or coordinating responses to emergency events;
- (e) Carrying a firearm; and
- (f) Direct care and custody of children, youth, or other vulnerable persons, which may affect their health, welfare, or safety.

Section 411, PROTECTION SENSITIVE POSITIONS - GENERAL PROVISIONS, is amended to read as follows:

411 PROTECTION SENSITIVE POSITIONS – GENERAL PROVISIONS

411.1 In addition to the general suitability screening, individuals applying for or occupying protection sensitive positions are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);
- (c) Pre-employment drug and alcohol test, subject to the limitations described in § 430.3;
- (d) Reasonable suspicion drug and alcohol test;
- (e) Post-accident or incident drug and alcohol test; and
- (f) Return-to-duty and follow-up drug and alcohol test.

411.2 Examples of protection sensitive duties and responsibilities include, but are not limited to:

- (a) Coordinating, developing, or supporting recreational activities;
- (b) Managing, planning, directing, or coordinating educational activities; and
- (c) Performing tasks involving individual or group counseling.

Section 425, MANDATORY DRUG AND ALCOHOL TESTING - GENERAL PROVISIONS, is amended to read as follows:

425 DRUG AND ALCOHOL TESTING – GENERAL PROVISIONS

- 425.1 Each program administrator with safety or protection sensitive positions shall contract with a professional testing vendor(s) to conduct required drug and alcohol testing. The vendor(s) shall ensure quality control, chain-of-custody for samples, reliable collection and testing procedures, and any other safeguards needed to guarantee accurate and fair testing. Notwithstanding 49 CFR § 40.1, vendors shall follow all procedures stated in 49 CFR Part 40 and District government procedures, as applicable, for all drug and alcohol testing for appointees and employees.
- 425.2 The vendor(s) selected to conduct the testing shall ensure that any laboratory used is certified by the United States Department of Health and Human Services (HHS) to perform job-related drug and alcohol forensic testing.
- 425.3 The Director of the DCHR shall develop operating policies and procedures for implementing the drug and alcohol program under this chapter for agencies subordinate to the Mayor that have safety, protection, or security sensitive positions.

Section 426, MANDATORY DRUG AND ALCOHOL TESTING – NOTIFICATION REQUIREMENTS, is amended to read as follows:

426 DRUG AND ALCOHOL TESTING – NOTIFICATION REQUIREMENTS

- 426.1 Each appointee or employee in a covered position shall be provided a copy of the District’s drug and alcohol policy, and any additional requirements imposed by his or her respective agency. The policy shall state at a minimum the following:
- (a) The circumstances under which an appointee or employee will be tested;
 - (b) The basic methodology to be used for testing; and
 - (c) The consequences of a positive test result.
- 426.2 Each appointee or employee in a covered position shall sign an acknowledgement that he or she received the written policy as specified in § 426.1. A legal guardian’s signature is needed if the appointee or employee is under eighteen (18) years of age.
- 426.3 As a condition of employment, each appointee or employee in a safety sensitive position subject to random drug and alcohol testing shall execute consent to the testing required by this chapter or face immediate separation from the District government.

- 426.4 Whenever an employee occupies a position that becomes designated as safety sensitive, he or she may self-report any existing drug or alcohol usage to his or her agency within thirty (30) days of the change in designation. The employee shall:
- (a) Be permitted to engage in any needed counseling or rehabilitation program(s), without being subject to adverse or other administrative actions;
 - (b) Be detailed, as agency operational needs permit, to a position that is not safety or protection sensitive while undergoing the treatment; and
 - (c) Be returned to a safety or protection sensitive position upon successful completion of treatment, a negative test result, and fitness for duty examination, as applicable.
- 426.5 Volunteers are subject to reasonable suspicion, post-accident, and post-incident drug and alcohol screenings. Volunteers are not subject to pre-employment or random drug and alcohol testing, unless such testing is otherwise required by federal law.
- 426.6 Employees subject to random drug and alcohol testing shall be provided a notice stating that their position is safety sensitive and that they are subject to random drug and alcohol testing, including for the presence of cannabis.
- (a) Agencies shall provide the notice to each safety sensitive employee at least once a year.
 - (b) Employees shall acknowledge receipt of each notice.
 - (c) Failure on the part of an agency to provide the annual notice required by paragraph (a) shall not (i) invalidate a positive drug or alcohol test result if the agency can establish that the employee had actual, prior notice of the applicable drug and alcohol testing policy, or (ii) preclude an agency from taking any action required under federal law after a positive drug or alcohol test result.
 - (d) The personnel authority may waive the annual notification requirement for an agency based on a supported showing of significant operational hardship.

Section 427, MANDATORY DRUG AND ALCOHOL TESTING - TESTING METHODOLOGY, is amended to read as follows:

- 427 DRUG AND ALCOHOL TESTING – TESTING METHODOLOGY**
- 427.1 The vendor(s) selected to conduct the testing shall conduct the alcohol and drug testing at a location designated by the program administrator for such purposes.
- 427.2 In general, testing for drugs shall be conducted by urine sample from the individual being tested.
- 427.3 Testing for alcohol shall be conducted using an evidentiary breath-testing device or EBT, commonly referred to as a “breathalyzer.”
- 427.4 In the case of drug testing, the vendor(s) shall split each sample and ensure that the laboratory performs an enzyme-multiplied-immunoassay technique (EMIT) test on one (1) sample and store the split of that sample. A positive EMIT test shall be confirmed by the vendor(s) using the gas chromatography/mass spectrometry (GCMS) methodology.
- 427.5 The personnel authority shall notify, in writing, any appointee or employee found to have a confirmed positive drug test result. The appointee or employee may then authorize that the stored sample be sent to another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation using the GCMS testing methodology.
- 427.6 All drug and alcohol testing shall follow the same procedures set forth in this section. In the case of a reasonable suspicion referral or a post-accident and incident test, the agency shall escort the employee to the designated test site for specimen collection as needed.
- 427.7 In the event that an individual requires medical care following an accident or incident, medical care shall not be delayed for the purpose of testing. In such cases, drug and alcohol testing may be conducted by a blood test.
- 427.8 A blood, breath, or urine test for alcohol conducted in accordance with this section shall be deemed positive if the test yields a result that the appointee’s or employee’s alcohol content was either .04 grams or more per 210 liters of breath, .04 grams or more per 100 milliliters of blood, or .05 grams or more per 100 milliliters of urine.
- 427.9 Except as may otherwise be required by law following an accident or incident, the personnel authority may not require blood tests for drug or alcohol tests.

Section 428, MANDATORY DRUG AND ALCOHOL TESTING – POSITIVE DRUG OR ALCOHOL TESTS RESULTS, is amended to read as follows:

428 POSITIVE DRUG OR ALCOHOL TEST RESULTS

428.1 Unless otherwise required by law, and notwithstanding § 400.4, an employee shall be deemed unsuitable and there shall be cause to separate an employee from a covered position as described in §§ 436.9 and 440.3 for:

- (a) A positive drug or alcohol test result (except as otherwise provided in § 429);
- (b) A failure to submit to or otherwise cooperate with drug or alcohol testing; or
- (c) In the case of an employee who acknowledged a drug or alcohol problem as specified in § 426.4, failure to complete a counseling or rehabilitation program(s) or failing a return-to-duty drug or alcohol test.

428.2 The program administrator shall rescind a conditional offer or decline to make a final offer of employment to an appointee subject to pre-employment testing if he or she:

- (a) Fails or otherwise refuses to submit to a required drug or alcohol test;
- (b) Fails or otherwise refuses to follow instructions given during a required drug or alcohol test; or
- (c) Except as otherwise provided in § 430, has a positive drug or alcohol test result.

A new Section 429 is added to read as follows:

429 POSITIVE TEST RESULTS FOR CANNABIS (EMPLOYEES)

429.1 Employees who test positive for cannabis following a reasonable suspicion or post-accident or incident drug test pursuant to §§ 432 or 433 shall be presumed impaired by cannabis, regardless of their participation in any medical marijuana program.

429.2 For employees in safety sensitive positions, a random positive drug test result for cannabis with no additional evidence of impairment shall be cause for corrective or adverse action, regardless of whether the employee is a medical marijuana program participant. Notwithstanding § 1607, a safety sensitive employee who randomly tests positive for cannabis with no additional evidence of impairment will generally be subject to the following:

- (a) First offense: the employee shall be summarily subject to a five (5) day suspension without pay, shall re-acknowledge the applicable drug and alcohol policy, and shall undergo a follow-up drug test immediately upon returning from the suspension; however, the employee may elect and shall be granted up to 40 hours of annual leave, compensatory time, or leave without pay to delay the follow-up drug test; and
- (b) Second offense: the employee shall be deemed unsuitable for continued employment in a safety sensitive position for at least one (1) year and shall be demoted, reassigned, or transferred to a non-safety sensitive position, or summarily separated from employment.

- 429.3 The illustrative actions specified in §§ 429.2(a) and 429.2(b) are not exhaustive and shall only be used as a guide to assist agencies in determining the appropriate action. Balancing the totality of the relevant factors established in § 1606.2 can justify an action that deviates from the penalties outlined in this section.
- 429.4 When a corrective or adverse action has been proposed due to a positive drug test result, and except as may be required by federal or other law, an employee may provide a written response with supporting evidence challenging that action, consistent with § 1621. Evidence supplied by an employee to rebut a presumption of cannabis impairment must be clear and convincing.
- 429.5 Cannabis use by a safety sensitive employee threatens the integrity of District government operations and the public health, safety, and welfare. When a safety sensitive employee is subject to suspension or removal pursuant to § 429.2, the personnel authority may take such action on a summary basis consistent with § 1616. Notwithstanding § 1616.3, the personnel authority may take such summary actions without written approval of the agency head.
- 429.6 Nothing in this chapter shall be construed as permitting the unlawful use of cannabis, and employees in violation of District of Columbia cannabis laws may be found unsuitable.
- 429.7 Individuals under the age of twenty-one (21) who test positive for cannabis and who are not enrolled in a medical marijuana program and who do not have a prescription for medications that contain THC shall be deemed unsuitable and are not subject to the provisions of § 429.2.

Section 429, MANDATORY DRUG AND ALCOHOL TESTING - PRE-EMPLOYMENT, is renumbered to Section 430 and is amended to read as follows:

430 PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING

- 430.1 As a condition of employment, appointees to safety and protection sensitive positions shall be required to pass a pre-employment drug test in accordance with

this section. In addition, the program administrator may require a pre-employment alcohol test.

- 430.2 Pre-employment drug and alcohol testing shall be conducted after a conditional offer of employment is made, but before the appointee's effective date of appointment.
- 430.3 Appointees to protection sensitive positions may not be disqualified based on a positive pre-employment drug test result showing the presence of cannabis unless the candidate was in possession of or was under the influence of cannabis at the time of testing, consistent with § 432.5.
- 430.4 Appointees to safety sensitive positions who test positive for cannabis may be disqualified from employment consideration, subject to the following:
- (a) If an appointee discloses recent cannabis use, an agency may postpone any pre-employment drug test for up to thirty (30) days.
 - (b) When a safety sensitive appointee initially tests positive only for cannabis as part of a pre-employment drug test, and unless the candidate was in possession of or was under the influence of cannabis at the time of testing, the program administrator shall advise the appointee of the positive test result and give him or her an opportunity to take a second drug test at least two (2) weeks after the initial test. The candidate shall be responsible for the cost of the second drug test.
 - (c) A safety sensitive appointee who undergoes a second drug test pursuant to paragraph (b) and tests positive for cannabis shall be disqualified from employment in a safety sensitive position for one (1) year from the date of the second drug test, and the program administrator shall rescind any conditional offer or decline to make a final offer of employment.
- 430.5 The program administrator may waive the requirement for a second drug test under § 430.5(b) allowing for the immediate disqualification of appointee consistent with § 430.5(c) when required to fulfill an immediate recruitment need or when a reasonable suspicion observation found that the appointee was demonstrably impaired at the time of testing. Except when necessitated by extraordinary or unforeseeable circumstances, such a waiver must be issued by the program administrator prior to posting the applicable job vacancy.
- 430.6 Pre-employment drug and alcohol testing shall be carried out pursuant to §§ 425 through 427.
- 430.7 Nothing in this chapter shall be construed as permitting the unlawful use of cannabis, and appointees in violation of cannabis laws may be found unsuitable. Individuals under the age of twenty-one (21) who test positive for cannabis and

who are not enrolled in a medical marijuana program and who do not have a prescription for medications that contain THC shall be deemed unsuitable and are not subject to the provisions of § 430.4.

Section 430, MANDATORY DRUG AND ALCOHOL TESTING - RANDOM, is renumbered to Section 431 and is amended to read as follows:

431 RANDOM DRUG AND ALCOHOL TESTING

- 431.1 Employees in safety sensitive positions shall be subject to random drug and alcohol testing. Such employees shall be placed in a random drug and alcohol testing pool.
- 431.2 Each year, the program administrator shall conduct a number of random drug tests that shall be at least equal to fifty percent (50%) of the total drug and alcohol testing pool.
- 431.3 Similarly, each year, the program administrator shall conduct a number of alcohol tests that shall be at least equal to ten percent (10%) of the total drug and alcohol testing pool.
- 431.4 Employees in the drug and alcohol pool shall be randomly selected in a manner consistent with accepted industry practice.
- 431.5 Random drug and alcohol testing shall be conducted in accordance with §§ 425 through 427.

Section 431, MANDATORY DRUG AND ALCOHOL TESTING - REASONABLE SUSPICION, is renumbered to Section 432, and is amended to read as follows:

432 REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

- 432.1 All District employees, including employees in independent agencies, are subject to, and shall be referred by a trained supervisor or manager for, drug and alcohol testing when there is a reasonable suspicion that the employee, while on duty, is impaired or otherwise under the influence of a drug or alcohol.
- 432.2 Prior to contacting the appropriate personnel authority to make a referral under this section, the trained supervisor or manager shall:
- (a) Have reasonable suspicion that the employee is under the influence of drugs, alcohol, or other substances to the extent that the employee's ability to perform his or her job is impaired; and
 - (b) Gather all information and facts to support this reasonable suspicion.

- 432.3 A reasonable suspicion referral shall be confirmed through a second opinion rendered by another trained supervisor or manager, if available.
- 432.4 A reasonable suspicion referral may be based on direct observation of drug use or possession, physical symptoms of being under the influence of drugs, symptoms suggesting alcohol intoxication, a pattern of erratic behavior, or any other reliable indicators.
- 432.5 Reasonable suspicion may be established if:
- (a) The employee is witnessed or admits to using a drug or alcohol while on duty;
 - (b) The employee displays physical symptoms consistent with drug or alcohol usage;
 - (c) The employee engages in erratic or atypical behavior of a type that is consistent with drug or alcohol usage; or
 - (d) There are other articulable circumstances that would lead a reasonable person to believe that the employee is under the influence of a drug or alcohol.
- 432.6 Lawful enrollment in a medical marijuana program shall not be a basis for reasonable suspicion.
- 432.7 Only a trained supervisor or manager shall refer an employee for drug or alcohol testing.
- 432.8 Prior to making a referral, the trained supervisor or manager shall gather all information and facts that support the reasonable suspicion determination.
- 432.9 Reasonable suspicion referral testing shall be conducted in accordance with §§ 425 through 427.

Section 432, MANDATORY DRUG AND ALCOHOL TESTING - POST-ACCIDENT OR INCIDENT, is renumbered to Section 433, and is amended to read as follows:

433 POST-ACCIDENT AND INCIDENT DRUG AND ALCOHOL TESTING

- 433.1 All District employees shall be subject to post-accident and incident drug and alcohol testing when they are involved in accidents or incidents under the following conditions:
- (a) The employee is involved in an on-the-job accident or incident that results in injury or loss of human life;

- (b) One (1) or more motor vehicle(s) (either District government or private) incurs disabling damage, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle;
- (c) Anyone receives bodily injury which requires immediate medical attention away from the scene;
- (d) The employee operating a government vehicle or equipment receives a citation under District of Columbia or another law for a moving traffic violation arising from the incident;
- (e) There are reasonable grounds to believe the employee has been operating or in physical control of a motor vehicle within the District of Columbia while that employee's breath has an alcohol content above the limits described in § 427.8, or while under the influence of an intoxicating liquor or any drug or combination thereof;
- (f) The actions of the employee cannot reasonably be discounted as a contributing factor, using the best information available at the time of the decision; or
- (g) The employee is involved in an on-the-job accident or incident that seriously damages machinery, equipment, or other property.

433.2 Following an accident or incident that requires drug and alcohol testing pursuant to § 433.1, if feasible, at least one (1) supervisor trained in reasonable suspicion observations shall conduct an observation to evaluate whether there is evidence suggesting that the employee is impaired or otherwise under the influence of a drug or alcohol. If there is no evidence that the employee is impaired or under the influence, the supervisor shall report that there is an absence of such evidence and the report may be used by the employee as evidence to rebut a claim the employee was impaired.

433.3 Post-accident and incident drug and alcohol tests shall be conducted consistent with §§ 425 through 427.

Section 433, MANDATORY DRUG AND ALCOHOL TESTING - RETURNED-TO-DUTY AND FOLLOW-UP, is renumbered to Section 434 and is amended to read as follows:

434 RETURN-TO-DUTY AND FOLLOW-UP DRUG AND ALCOHOL TESTING

434.1 Employees in safety sensitive positions who acknowledge a drug or alcohol problem and complete a counseling or rehabilitation program, as provided in § 426.4, shall be subject to return-to-duty and follow-up tests, except when the employee has been separated from the safety-sensitive position.

- 434.2 Employees in safety sensitive positions who test positive for cannabis, and for whom a corrective or adverse action is imposed, shall be subject to a return-to-duty or follow-up drug and alcohol test, except when the employee has been separated from the safety-sensitive position.
- 434.3 Employees in safety sensitive positions who have been in a leave status for thirty (30) or more days shall be subject to a return-to-duty drug and alcohol test.
- 434.4 Return-to-duty and follow-up tests shall be conducted as set forth in §§ 425 and 427.

Section 434, MANDATORY DRUG AND ALCOHOL TESTING - REQUIRED TRAINING, is renumbered to Section 435 and is amended to read as follows:

435 DRUG AND ALCOHOL RELATED TRAINING

- 435.1 Agencies shall be responsible for providing training in drug abuse detection and recognition, documentation, intervention, and any other appropriate topics, for supervisors and managers in agencies with covered employees.

Section 435, SUITABILITY DETERMINATIONS, is renumbered to Section 436 and is amended to read as follows:

436 SUITABILITY DETERMINATIONS

- 436.1 The information contained in this section shall only apply to enhanced suitability screenings.
- 436.2 The program administrator shall establish and maintain written suitability assessment determinations for enhanced suitability screenings.
- 436.3 The program administrator shall make a suitability determination within fifteen (15) days after receiving all enhanced suitability screening information necessary to make the determination.
- 436.4 The final suitability determination shall establish:
 - (a) For appointees, if a conditional offer of employment should be withdrawn;
 - (b) For volunteers, if the individual is suitable to provide voluntary services; and
 - (c) For employees, if the individual may be retained in their position of record.
- 436.5 For appointees to and employees in safety sensitive positions at a covered child or youth services provider, as defined by D.C. Official Code § 4-1501.02(3) (2019

Repl.), the final suitability determination shall establish whether the appointee or employee presents a present danger to children or youth.

- 436.6 Except as otherwise provided in §§ 429 and 430, and in accordance with § 428, a positive drug or alcohol test shall render an individual unsuitable for District employment and constitute cause under Chapter 16 for corrective and adverse action.
- 436.7 The program administrator shall notify the employing agency of the final suitability determination.
- 436.8 If an appointee is deemed unsuitable based on an enhanced suitability screening, any conditional employment offer shall be withdrawn and he or she shall be notified of the final suitability determination.
- 436.9 If an employee is deemed unsuitable, the personnel authority may terminate his or her employment pursuant to the appropriate adverse action procedure as specified in this subtitle or any applicable collective bargaining agreement. Instead of terminating the employee, the personnel authority may reassign the employee to a position for which he or she is qualified and suitable.
- (a) Termination actions taken pursuant to this subsection may be taken on a summary basis pursuant to § 1616.
- (b) For purposes of this subsection, and notwithstanding § 1616.3, the personnel authority may approve summary removals.
- 436.10 If a volunteer is deemed unsuitable for voluntary service, the voluntary service process shall be terminated and he or she shall be notified of the suitability determination.
- 436.11 Post-accident and incident drug or alcohol testing results shall be provided to the Chief Risk Officer, Office of Risk Management, for purposes of the Public Sector Workers' Compensation Program, upon request.
- 436.12 Neither an agency nor the program administrator shall deem an appointee or employee unsuitable solely due to his or her participation in a medical cannabis program pursuant to a state or local law(s).

Sections 436, 437, 438, and 439 are renumbered to 437, 438, 439, and 440 respectively.

Section 440, REPORTING, is renumbered to Section 441 and is amended to read as follows:

441 REPORTING AND AGENCY POLICIES

441.1 Each program administrator for agencies covered by this chapter shall prepare and submit compliance reports to the Mayor every six (6) months following the effective date of this chapter.

441.2 Each report shall be submitted to the Mayor and include statistical information showing:

- (a) Total number of positions within the agency;
- (b) Total number of new hires;
- (c) Total number of positions identified agency-wide as safety, protection and security sensitive;
- (d) Any changes in the numbers reported in § 441.2(c) since the last report;
- (e) Total number of general suitability screening checks conducted and compliance with Section 403;
- (f) Total number of consumer credit checks conducted, including the number of derogatory results received, and types of actions taken, (if any);
- (g) Total number of criminal background checks conducted, the number of derogatory results, and types of actions taken, (if any);
- (h) Total number and type of drug tests conducted, types of drugs detected, and types of actions taken, (if any);
- (i) Total number and type of alcohol tests conducted, positive results, and types of actions taken, (if any); and
- (j) Total number of traffic record checks conducted, types of derogatory results, and types of actions taken, (if any).

441.3 Each agency under the administrative authority of the Mayor is authorized to develop an agency-level drug and alcohol policy to supplement the policy set forth in this chapter. Any such policy developed after January 1, 2020, must be submitted and approved by the Director of the DCHR prior to implementation. No such policy may be in conflict with the provisions of this chapter.

- 441.4 Each agency under the administrative authority of the Mayor that has developed an agency-level drug and alcohol policy shall transmit a copy of the policy to DCHR no later than September 30 each year. DCHR shall review each policy to ensure it is consistent with the provisions of this chapter.
- 441.5 Every year, no later than December 31, the DCHR shall transmit a report to the City Administrator, identifying each agency that has submitted a policy pursuant to this section and whether that policy is consistent with this chapter.

Sections 441, 442, and 443 are renumbered to 442, 443, and 444 respectively.

Section 499, DEFINITIONS, Subsection 499.1, is amended as follows:

A definition shall be added after “Appointee” and before “Child” of the following term:

Cannabis - a substance, also known as “marijuana,” derived from the cannabis plant and consumed for recreational or medicinal purposes and containing more than 0.03% of the psychoactive chemical delta-9-tetrahydrocannabinol (THC).

The definition of “Drug” shall be amended to read as follows:

Drug - a drug for which tests are required under 49 C.F.R. part 40, such as cannabis, cocaine, amphetamines, phencyclidine (PCP), and opiates.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to the D.C. Department of Human Resources, Policy and Compliance Administration. Comments may be submitted by mail to 1015 Half Street, SE, Ninth Floor, Washington, D.C. 20003, or by e-mail to dchr.policy@dc.gov.

BREAKTHROUGH MONTESSORI PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Montessori Classroom Materials**

Breakthrough Montessori Public Charter School intends to enter into a Sole Source contract with Heutink International for the purchase of Montessori classroom materials. The contract includes the purchase of replacement materials for our existing classrooms, as well as the purchase of materials for new classrooms opening in August 2020. Breakthrough estimates the cost of these purchases to be \$50,000.00. Heutink was chosen due to their track record of supplying authentic, high-quality Montessori materials that are specific to the Montessori curriculum; their previous experience in providing classroom materials for Breakthrough Montessori; and the resulting need for Breakthrough Montessori to maintain consistency across the materials available in all classrooms.

Classroom Furniture

Breakthrough Montessori Public Charter School intends to enter into a Sole Source contract with Community Playthings for the purchase of classroom furniture for new classrooms opening in August 2020. Breakthrough estimates the cost of these purchases to be \$30,000.00. Community Playthings was chosen due to their track record of supplying classroom furniture that are compatible with Montessori philosophy and pedagogy; their previous experience in providing classroom furniture for Breakthrough Montessori; and the resulting need for Breakthrough Montessori to maintain consistency across the furniture available in all classrooms.

BREAKTHROUGH MONTESSORI PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education, Accounting, Janitorial Services**

Breakthrough Montessori PCS is seeking competitive bids for the following services:

1. **Special Education:** for related service providers who are familiar with the Montessori method and are excited to work with our faculty to provide students greater access to the Montessori general education curriculum.
2. **Accounting:** for budgeting, accounting, and financial services to support the growth of our school located across two campuses.
3. **Janitorial Services:** for cleaning and maintenance of our two campuses.

To obtain a full copy of the RFPs, please contact Emily Hedin at 202-246-1928 or emily.hedin@breakthroughmontessori.org. Please specify which RFP(s) you would like to receive.

Bids for all three services must be received no later than June 8, 2020 at 5:00 PM.

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACT****Ed Ops**

Creative Minds International Public Charter School (CMIPCS) located in Washington DC is a District Columbia public charter school serving students from preschool to 8th grade.

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the DC Public Charter School procurement policy, CMIPCS hereby submits this notice of intent to award a sole source contract to Ed Ops. For more information, contact heather.hesslink@creativemindspcs.org by 12:00 pm June 5, 2020.

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Special Education Evaluation Services

Creative Minds International PCS located in Washington DC invites proposals for Construction Manager. Submission deadline is 12:00 PM Eastern Time on June 4, 2020.

To request full scope and/or seek additional information, please email:

Heather Hesslink
Director of Operations & Compliance
heather.hesslink@creativemindspcs.org

**CREATIVE MINDS INTERNATIONAL
AND 11 OTHER PUBLIC CHARTER SCHOOLS**

REQUEST FOR PROPOSALS

Vended Food Services & Food Service Management Services

Creative Minds International PCS located in Washington DC invites proposals for Vended Food Services and Food Service Management Services. Submission deadline is 12:00 PM Eastern Time on June 12, 2020.

To request full scope and/or seek additional information, please email:

Shelby Legel
RFP Coordinator
shelby@cpa.coop

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY20.21:

- Security Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Friday, June 5, 2020**. Proposals and full RFP request should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY20.21:

- Physical Therapy Services
- Board Certified Behavioral Analysis Services
- School and Clinical Psychological Services
- Speech Pathologist Services
- Occupational Therapist Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Friday, June 5, 2020**. Full RFP request and Proposals should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

DC SCHOLARS PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Executive Consulting

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Growth MindEd Consulting for contracted executive consulting and coaching of the incoming DCSPCS Head of School in school year 2020-21. DCSPCS anticipates that the consulting agreement will exceed \$25,000.00 during its fiscal year 2021 (July 1, 2020 – June 30, 2021).

During the transition to a permanent Head of School, it would be most effective to continue a partnership with Growth MindEd consultant Nicole Bryan in SY 2020-21. Nicole Bryan has a proven history in supervising, coaching, and empowering school leaders to appropriately plan for school priorities as well as action plan from student and staff data.

The decision to sole source is due to the fact that Growth MindEd consultant Nicole Bryan oversaw school-wide culture strategies, academic curriculum and vertical alignment between Elementary and Middle School instruction and culture in school years 2018-19 and 2019-20. Nicole Bryan was the Interim Head of School in SY 2018-19 and SY 2019-20; DC Scholars Public Charter School also previously partnered with Growth MindEd Consulting and Nicole Bryan for school leadership development services in SY 2017-18.

The Sole Source Contract will be awarded at the close of business on June 11, 2020. If you have questions or concerns regarding this notice, contact **Emily Stone** at estone@dcscholars.org no later than **5:00 pm on June 2, 2020**.

DC SCHOLARS PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Executive Director and Director of Finance and Operations Services**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Leonard & Associates, PLLC for contracted Executive Director services and Director of Finance and Operations services in school year 2020-21. DCSPCS anticipates that the consulting agreement will exceed \$25,000.00 during its fiscal year 2021 (July 1, 2020 – June 30, 2021).

During the transition of an incoming Head of School, it would be most effective to continue a partnership with Leonard & Associates consultant Jennifer Leonard in school year 2020-21.

The decision to sole source is due to the fact that Leonard & Associates consultant Jennifer Leonard previously worked with the DCSPCS Interim Head of School in SY 2019-20 to ensure that non-instructional school departments, including Human Resources, Talent, Data, Enrollment, Board Management, School Operations and Finance, were aligned and provided at a high bar. In this time, Jennifer Leonard supervised two senior leaders and four mid-level leaders.

Jennifer Leonard has a proven history in supervising, coaching, and developing school leaders to meet school priorities. In school year 2018-19, Leonard & Associates consultant Jennifer Leonard managed the DC Scholars Community Schools team, including direct supervision of the Director of Operations and Director of Talent Management. DC Scholars Community Schools was the management organization of DC Scholars Public Charter School and Mrs. Jennifer Leonard served as the Executive Director of said management organization from July 2017 – June 2019.

The Sole Source Contract will be awarded at the close of business on June 11, 2020. If you have questions or concerns regarding this notice, contact **Emily Stone** at estone@dcscholars.org no later than **5:00 pm on June 2, 2020**.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY****Fiscal Year 2021 McKinney-Vento Homeless Assistance Grant (ESSA Title VII, Part B)****Request for Application Release Date: Fri., Jun. 8, 2020 at 3 p.m.**

The Division of K-12 Systems and Supports within the Office of the State Superintendent of Education (OSSE), will issue a Request for Applications for the FY 2020 McKinney-Vento Homeless Assistance Grant Program (MKV) for eligible Local Educational Agencies (LEAs) in the District of Columbia. Authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act, Section 726, as amended, the law's specific purposes are to facilitate the enrollment, attendance, and success in school of homeless children and youth.

Eligibility and Selection Criteria: LEAs serving homeless students in pre-kindergarten through the twelfth grade within the District of Columbia are eligible to apply. When distributing funding, OSSE will prioritize LEAs with a high level of need, as represented by enrollment data.

Priority points will be awarded to LEAs with demonstrated need, as documented by any of the following characteristics:

- High number of identified children and youth experiencing homelessness, as compared to the LEA's overall student population;
- Significant increase of identified children and youth experiencing homelessness in the previous school year;
- High percentage of identified children and youth experiencing homelessness, as compared to the number of homeless children and youth identified in the District of Columbia; or
- High percentage of newly identified children and youth experiencing homelessness due to school sites being located near youth and family emergency shelters, hotels, transitional living programs, and drop-in centers in the District of Columbia.

Length of Award: The grant award period will be from the date of the award through Sept. 30, 2020, and LEAs must commit to obligate all grant funds awarded under this competition by Sept. 30, 2021. Awards may be extended for two additional years if the subrecipient's program remains in compliance with all grant requirements. All awards will be reviewed annually for consideration of continued funding.

Available Funding for Award: A total of at least **Two Hundred Thousand Dollars and Zero Cents (\$200,000.00)** in grant funds shall be used by District of Columbia LEAs to address the educational and related needs of homeless children and youth. LEAs, with or without this funding, must ensure that homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youth. OSSE anticipates awarding 3-6 subgrants based on the highest-ranking applications. Grant funds shall only be used to support activities authorized by relevant statutes and regulations and that are included in the applicant's submission.

Application Process: A review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Upon completion of its review, the panel(s) shall make recommendations for awards, based on the scoring rubric(s). OSSE's Division of Systems and Supports, K-12 will make all final award decisions. Awards are anticipated to be distributed in Sept. 2020 and the funding cycle will commence starting Oct. 1, 2020.

OSSE will provide two pre-application technical assistance sessions. The pre-application technical assistance sessions will include an overview of the MKV grant program, the grant competition, and navigation of EGMS for application submissions. The session will also include technical assistance for individuals with grant competition inquiries.

A web-based pre-application technical assistance session will be held on Jun. 16, 2020. An in-person pre-application technical assistance session will be held at OSSE (1050 First St., NE, Sixth Floor, Washington, DC) on Jul. 1, 2020 in the Charles Drew Conference Room, Sixth Floor, Room 622 (or via webinar). Please note that seating will be limited, so please limit the number of staff registering and attending the in-person session to two or less. Potential applicants may register for the webinar session [here](#), or for the in-person session [here/GoToWebinar](#) [here](#).

All LEAs planning to apply for this grant are strongly encouraged to attend a pre-application conference and should submit an Intent to Apply via email to Danielle C. Rollins at Danielle.Rollins@dc.gov by 3 p.m. on Jul. 8, 2020.

To receive more information or for a copy of the Request for Applications (RFA), please contact:

Danielle C. Rollins, Program Analyst
Homeless Education Program
Division of Systems and Supports, K-12
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor
Washington, D.C. 20002
Telephone: (202) 741-0255
Email: Danielle.Rollins@dc.gov

LEAs interested in applying for MKV funds may use the following link to access OSSE's online Enterprise Grants Management System (EGMS): <http://grants.osse.dc.gov/>. The RFA and application submission guidance will also be available on OSSE's Homeless Education Program webpage at <https://osse.dc.gov/service/education-homeless-children-and-youth-program>.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND
GENERAL PERMIT FOR
CHILDREN'S NATIONAL MEDICAL CENTER**

Notice is hereby given that Children's National Medical Center has applied for a renewal of its Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to continue operation of seven (7) diesel-fired emergency generators; several above and underground storage tanks, fume hoods, wet cooling towers, chillers, x-ray/photography development equipment, natural gas fired kitchen equipment, and laboratory equipment at Children's National Medical Center, located at 111 Michigan Avenue NW, Washington DC 20010. The contact person for the facility is Mr. Rodney Eason, Director of Facilities Management at (202) 476-2208 or reason@childrensnational.org.

The following is an estimate of overall potential emissions from the facility:

FACILITY-WIDE EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	Potential Emissions
Sulfur Dioxide (SO ₂)	0.031
Oxides of Nitrogen (NO _x)	24.345
Total Particulate Matter (PM Total)	3.976
Volatile Organic Compounds (VOCs)	1.011
Carbon Monoxide (CO)	1.369

With the emission limitations included in the draft permit, the facility has the potential to emit approximately 24.345 tons per year of nitrogen oxides (NO_x), just under the District's major source threshold of 25 tons per year of NO_x. Under normal maximum operating conditions for determination of the potential emissions of the facility (i.e. 500 hours per year per emergency generator), the combined emissions of the equipment would possibly have exceeded the major source threshold for NO_x and thus trigger a Non-Attainment New Source Review (NNSR). In order to avoid this possibility, the facility opted for operating hour restrictions to keep their potential to emit NO_x under the major source threshold. The Chapter 3 permitting process is being used in this case to make these limits federally enforceable and enforceable as a practical matter.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 041-R1 has been prepared.

The application, the draft permit and associated Fact Sheet and Statement of Basis, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20

DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notices-hearings>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

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

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

No comments or hearing requests submitted after June 22, 2020 will be accepted.

For more information, please contact Olivia Achuko at (202) 535-2997 or olivia.achuko@dc.gov.

**OFFICE OF THE DEPUTY MAYOR FOR
HEALTH AND HUMAN SERVICES**

MAYOR'S THRIVE BY FIVE COORDINATING COUNCIL

NOTICE OF PUBLIC MEETING

The Mayor's Thrive by Five Coordinating Council will hold a meeting on Wednesday, May 27 2020 at 3:30 p.m. The meeting will be held via Webex. Below is the agenda for this meeting. The agenda will be posted to the Thrive by Five website at <https://thrivebyfive.dc.gov>.

For additional information, please contact, Tiffany Wilson, Thrive by Five Policy Analyst at (202) 727-1750 or tiffany.wilson@dc.gov.

DRAFT AGENDA

- | | |
|---|-----------------|
| 1. Call to Order | Council Chair |
| 2. Reflections from March Meeting | Council Chair |
| 3. Discussion: Behavioral Health System | Council Members |
| 4. Other Member Updates | Council Members |
| 5. Additional Comments & Next Steps | Council Members |
| 6. Adjournment | Council Chair |

**DEPARTMENT OF HEALTH CARE FINANCE &
DEPARTMENT ON DISABILITY SERVICES**

PUBLIC NOTICE OF WAIVER AMENDMENT

**Home and Community-Based Services Waiver for
People with Intellectual and Developmental Disabilities**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2018 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2018 Repl.)), hereby give notice of their intent to submit an application for amendments to the District of Columbia Medicaid's Home and Community-Based Services for People with Intellectual and Developmental Disabilities (IDD) Waiver program to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The amendment application for the IDD Waiver contains three types of changes to be effective in IDD Waiver Year 3, or upon approval by CMS, as follows: (1) changes to the amount, duration and scope of several services; (2) systemic changes that relate to systems improvements, including the new DDS Developmental Disabilities Administration (DDA) Formal Complaint System; and (3) reimbursement rate changes to comply with the District Universal Paid Leave Act and the Living Wage Act.

Based on review of IDD waiver service utilization, the District is proposing changes to nine (9) IDD waiver services (*i.e.* Assistive Technology, Companion, Day Habilitation, Employment Readiness, Host Home without Transportation, Residential Habilitation, Respite, Supported Living, and Wellness Services) to align their scope with actual participant need and encouraging the use of natural supports in lieu of paid services. The District is also proposing systemic changes that would amend Waiver Appendices H, F, and G, respectively, to: (1) reflect DDS review of citation of deficiency reports from the Department of Health; (2) recognize the statutorily-mandated DDA Formal Complaint System; and (3) update the incident management and enforcement mechanism so that Service Coordinators have three (3) business days within which to follow-up on services or unmet needs after acceptance of serious reportable incidents (SRIs), and Investigators have three (3) business days within which to conduct and in-person visit for SRIs involving abuse, neglect or serious physical injury. The District is proposing to increase reimbursement rates for IDD waiver services to conform to the Universal Paid Leave Act and the Living Wage Act.

A summary of all of the proposed substantive changes in the amendment application, including detailed information about any substantive changes to rates, and copies of the proposed waiver amendment application may be obtained on the DDS website at <http://dds.dc.gov/idd-waiver-amendment>, and is available upon request from Kirk Dobson, Deputy Director, Quality Assurance and Performance Management Administration (QAPMA), D.C. Department on Disability Services, 250 E Street, SW, 6th Floor, Washington DC 20024, or by email to dds.qapma@dc.gov.

There are two opportunities for the public to provide comments or other input on the proposed HCBS IDD Waiver amendments:

First, written comments on the proposed IDD Waiver amendment shall be submitted to: Ieisha Gray, Director, Long Term Care Administration, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at ieisha.gray@dc.gov during the thirty (30) calendar day public comment period, starting from the date this notice is published in the *D.C. Register*.

Second, DHCF and DDS will hold a virtual public forum during which written and oral comments on the proposed waiver amendment will be accepted. The virtual public forum will be held on June 25, 2020, from 10:00 am to 11:30am. Scheduling information for the public forum will be posted on the DDS website at <http://dds.dc.gov/idd-waiver-amendment>. Individuals can join the public forum by telephone by dialing **1-650-479-3208** and using the access code **472 477 560**, or by web conference by going to <https://dcnet.webex.com/dcnet/j.php?MTID=mbeb3574df7e4090016cd66fb330948ec>

Participant accommodations for the public forum are available upon request. Please provide your name, address, telephone number, organizational affiliation and accommodation request, if needed, by June 19, 2020, to Cynthia Scott at (202) 910-0148 or cynthia.scott@dc.gov.

Electronic copies of this notice also will be published on the DDS website at <http://dds.dc.gov>.

For further information, please contact Kirk Dobson, DDS Deputy Director for QAMPA, at dds.qapma@dc.gov, or visit the DDS website at <http://dds.dc.gov>.

**DEPARTMENT OF HEALTH CARE FINANCE &
DEPARTMENT ON DISABILITY SERVICES**

PUBLIC NOTICE OF WAIVER APPLICATION

Home and Community-Based Services Individual and Family Support Waiver (IFS)

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2018 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2018 Repl.)), hereby give notice of their intent to submit an application for the District of Columbia Medicaid's new Home- and Community-Based Services for Individual and Family Support (IFS) Waiver program to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The new IFS Waiver is intended to establish a program that will allow District residents with intellectual or developmental disabilities (IDD) who live in an independent environment, either in their own homes or with family or friends, to receive HCBS services and supports tailored to their specific needs. DDS is proposing to create a streamlined IFS Waiver to meet the needs of individuals who can leverage supports from family or friends and do not need residential services. In this way, the new IFS Waiver will offer person-centered services that meet the person's needs in the least restrictive setting needed, applying the highest standards of quality and national best practices.

The IFS Waiver will offer a full range of health and clinical services necessary to help persons with complex support needs and their families to choose an alternative to institutional service that promotes community inclusion and independence by enhancing and not replacing existing informal networks. The new IFS Waiver will use eighteen (18) services, all of which are currently available under the more comprehensive Medicaid IDD Waiver, and add a new Education Supports Services. Residential supports and services will not be included in the IFS waiver.

A summary of the proposed application, including detailed information about the services and reimbursement rates, and copies of the application, may be obtained on the DDS website at <http://dds.dc.gov/ifs-waiver>, and is available upon request from Kirk Dobson, Deputy Director, Quality Assurance and Performance Management Administration (QAPMA), D.C. Department on Disability Services, 250 E Street, SW, 6th Floor, Washington DC 20024, or by email to dds.qapma@dc.gov.

There are two opportunities for the public to provide comments or other input on the proposed new HCBS IFS Waiver application:

First, written comments on the proposed new HCBS IFS Waiver application shall be submitted to: Ieisha Gray, Director, Long Term Care Administration, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at dhcfpubliccomments@dc.gov, during the thirty (30) calendar day public comment period, starting from the date this notice is published in the *D.C. Register*.

Second, DHCF and DDS will hold a virtual public forum during which written and oral comments on the proposed new HCBS IFS Waiver application will be accepted. The virtual public forum will be held on **June 24, 2020, from 10:00 am to 11:30 am**. Scheduling information for the public forum will be posted on the DDS website at <http://dds.dc.gov/ifs-waiver>. Individuals can join the public forum by telephone by dialing **1-650-479-3208** and using the access code **479 487 709**, or by web conference by going to <https://dcnet.webex.com/dcnet/j.php?MTID=m14e02c4c34d50292afaded40b5348cf9>.

Participant accommodations for the public forum are available upon request. Please provide your name, address, telephone number, organizational affiliation and accommodation request, if needed, by June 19, 2020, to Cynthia Scott at (202) 910-0148 or cynthia.scott@dc.gov.

Electronic copies of this notice also will be published on ton the DDS website at <http://dds.dc.gov>.

For further information, please contact please contact Kirk Dobson, DDS Deputy Director for QAMPA, at kirk.dobson@dc.gov, or visit the DDS website at <http://dds.dc.gov>.

DEPARTMENT OF HEALTH CARE FINANCE**MEDICAL CARE ADVISORY COMMITTEE****NOTICE OF MEETING SCHEDULE**

The regular meetings of the DC Medical Care Advisory Committee (MCAC) are held in open session. The following are dates and times for the regular meetings to be held in fiscal year 2020. All meeting will be virtual during the Coronavirus (COVID-19) Public Health Emergency. A copy of the final agenda and information to connect to the virtual meeting will be posted on the MCAC website <https://dhcf.dc.gov/page/dc-medical-care-advisory-committee> two business days prior to the meeting date.

MCAC Meeting – May 2020

When: Wednesday, May 27, 5:30 – 7:30 PM

Where: Virtual via WebEx

MCAC Meeting – June 2020

When: Wednesday, June 24, 5:30 – 7:30 PM

Where: Virtual via WebEx

MCAC Meeting – August 2020

When: Wednesday, August 26, 5:30 – 7:30 PM

Where: Virtual via WebEx

For more information, please contact:

Bill Hanna at william.hanna@dc.gov or 202-442-5819

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 20-01: Tabard Inn

1737, 1739 and 1741 N Street NW
Square 158, Lots 58, 59 and 807
Designated February 27, 2020
Affected Advisory Neighborhood Commission: 2B

Designation Case No. 20-02: Slowe-Burrill House

1256 Kearny Street NW
Square 3930, Lot 3
Designated April 30, 2020
Affected Advisory Neighborhood Commission: 5B

Designation Case No. 20-06: Washington Yacht Club

1500 M Street SE
Square 1080-S, parts of Lots 801 and 802, part of Reservation 343-D
Designated November April 30, 2020
Affected Advisory Neighborhood Commission: 6B

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

The D.C. Historic Preservation Review Board also hereby provides public notice that the following application to designate properties has been withdrawn by the applicant. This application is no longer on file with the Historic Preservation Review Board, and permit applications related to these properties are not subject to the Historic Landmark and Historic District Protection Act of 1978 (D.C. Code Sec. 6-1101 et seq. (2001)).

Designation Case No. 17-11: Square 653 Rowhouses

Square 653 Rowhouses
1307, 1309, 1311, 1313 and 1315 South Capitol Street SW
Withdrawn November April 30, 2020
Square 653, Lots 52, 53, 68, 69 and 827
Affected Advisory Neighborhood Commission: 6D

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY
PUBLIC CHARTER SCHOOL**

NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Building Maintenance
- Branding, Marketing, Communication Services
- Accounting and Finance
- Contracted Instruction
- Special Education Services
- Teacher Residents
- Human Resource Consulting
- Staffing

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 6/3/2020. Contact: bids@ideapcs.org

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

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request from YouthBuild DC Public Charter School (YouthBuild PCS) on May 1, 2020. The school seeks to amend its charter agreement by modifying its enrollment ceiling.

Currently in its fifteenth year of operation, YouthBuild PCS educates young adults (i.e., ages 16-24) in Ward 1. The school offers GED preparation courses and workforce development programs. YouthBuild PCS requests approval to increase its enrollment cap from 122 students to 175 students. The school proposes enrolling 150 students in school year (SY) 2020-21, reaching capacity in SY 2021-22 with 175 students. YouthBuild PCS anticipates an increase in demand for its program because of the COVID-19 pandemic, which has increased the unemployment rate. High unemployment rates typically results in increased demand for adult education programs. YouthBuild PCS seeks to increase its enrollment cap to meet the anticipated demand.

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

DATES:

- Comments must be submitted on or before June 22, 2020.
- The public hearing will be on June 22, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be on July 20, 2020, at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by “YouthBuild PCS – Notice of Petition to Amend Charter – Enrollment Ceiling Increase,” by any one of the methods listed below.¹

1. Submit a written comment* via
 - a) E-mail: public.comment@dcpcsb.org
 - b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010

*Please select only one of the actions listed.

2. Sign up to testify in person at the public hearing on June 22, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, June 18, 2020.

For Further Information, Contact Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

¹ DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 3,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to D.C. Code § 34-802 and in accordance with D.C. Code § 2-505,¹ of its final action taken in the above-captioned proceeding.²

2. On March 20, 2020, pursuant to D.C. Code § 10-1141.06,³ Washington Gas Light Company (WGL) filed a Surcharge Update to revise the Rights-of-Way (ROW) Fee Surcharge.⁴ The ROW Fee Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**Section 22****3rd Revised Page 56**

3. According to its tariff, WGL's ROW Surcharge Update indicates the ROW Current Factor is 0.0327 with the ROW Reconciliation Factor of 0.0013 for the period of June 2019 through May 2020, which yields a Net Factor of 0.0314.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the April 2020 billing cycle.⁶

4. A Notice of Proposed Tariff (NOPT) regarding this ROW Surcharge Update was published in the *D.C. Register* on April 10, 2020.⁷ In the NOPT, the Commission

¹ D.C. Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.).

² *Gas Tariff 00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3 (GT00-2)*, Rights-of-Way Fee Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed March 20, 2020.

³ D.C. Code § 10-1141.06 (2001 Ed.) states that “[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer’s monthly billing statement.”

⁴ *GT00-2*, Surcharge Update at 1.

⁵ *GT00-2*, Surcharge Update at 1.

⁶ *GT00-2*, Surcharge Update at 1.

⁷ *67 D.C. Reg.* 004162-004163 (April 10, 2020).

stated that WGL has a statutory right to implement its filed surcharges, but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge, WGL would be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT. Based on the Commission's review of the tariff filing, the Commission finds that WGL's calculations for the ROW Current Factor, the ROW Reconciliation Factor, and the ROW Surcharge Update comply with the General Services Tariff, P.S.C.-D.C. No. 3, Section 22, 3rd Revised Page No. 56 and with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on May 13, 2020, took final action approving WGL's ROW Surcharge Update tariff filing. WGL's ROW Surcharge Update tariff shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE
(REVISED COMMENT PERIOD)**RM-40-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES; and****FORMAL CASE NO. 1050, IN THE MATTER OF THE INVESTIGATION OF IMPLEMENTATION OF INTERCONNECTION STANDARDS IN THE DISTRICT OF COLUMBIA,**

1. By this Public Notice, the Public Service Commission of the District of Columbia (“Commission”) informs interested persons of an extension of time to file comments in response to the April 10, 2020, Notice of Proposed Rulemaking (“NOPR”) published in this proceeding in the *D.C. Register*¹ and the addition of a reply comment period to the NOPR. Comments are due by July 15, 2020, and replies are due by August 14, 2020.

2. The purpose of the published NOPR is to address system upgrade costs related to the interconnection of community renewable energy facilities, small generator interconnection timelines, and small generator interconnection costs. The NOPR also proposed to incorporate a definition of Advanced Inverter, require the Potomac Electric Power Company to mandate the deployment of advanced inverters in the District of Columbia effective January 1, 2022, to comply with IEEE 1547-2018 standards, and to establish a timeline and goals for inverter setting profiles. Subsequent to the NOPR being published in the *D.C. Register*, a Motion for Enlargement of Time to file comments was filed.² In response, the Commission issued Order No. 20344 granting the request.³ Through this Public Notice, the Commission hereby extends the comment period from April 10, 2020, to July 15, 2020. Reply comments are due by August 14, 2020.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on the Commission’s website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission’s website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or psc-commissionsecretary@dc.gov.

¹ 65 *D.C. Reg.* 4042-4119 (April 10, 2020).

² *RM40-2020-01, In the Matter of 15 DCMR Chapter 40 — District of Columbia Small Generator Interconnection Rules (“RM40-2020-01”)* and *Formal Case No. 1050, In the Matter of the Investigation of Implementation of Interconnection Standards in the District of Columbia (“Formal Case No. 1050”)*, Potomac Electric Power Company’s Motion for Enlargement of Time, filed May 4, 2020.

³ *RM40-2020-01, and Formal Case No. 1050*, Order No. 20344, rel. May 14, 2020.

D.C. SENTENCING COMMISSION**PUBLIC NOTICE****APPOINTMENT OF GEORGIA PHAM AS GENERAL COUNSEL FOR
THE D.C. SENTENCING COMMISSION**

The D.C. Sentencing Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (c) (2013) that Georgia Pham was appointed as General Counsel to the D.C. Sentencing Commission on April 27, 2020. This is an excepted service position.

**SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL
NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES**

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

- Legal Services
- Academic Support Services
- Administrative Support Services
- School Apparel
- Related Provider Services Support
- Communication Services
- Building Management Services
- Classroom Materials & Furniture
- Operations Support Services
- Student Transportation Services
- Human Resources/Talent Development Services
- Building Maintenance
- Contracted Instruction
- Special Education Services
- Copier Rental & Services

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 6/3/2020. Contact: procurement@shiningstarspcs.org

THE SOJOURNER TRUTH PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Finance & Accounting Services**

The Sojourner Truth Public Charter School requests proposals for the following:

- Finance & Accounting services during the school's first operational year
- Full RFP document available by request. Proposals should be emailed as PDF documents no later than 5pm on Friday, May 29th, 2020. Contact:*
info@thetruthschool.org

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Student Assessment Services**

Washington Global Public Charter School intends to enter into a sole source contract with The Achievement Network for student assessment services to help identify and close gaps in student learning for the upcoming school year 2020-2021.

- Washington Global Public Charter School constitutes the sole source for The Achievement Network for student assessment services that will lead to student achievement.
- For further information regarding this notice, contact bids@washingtonglobal.org no later than **4:00 pm Tuesday, June 2, 2020**.

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**NOTICE: REQUEST FOR PROPOSALS**

Washington Global Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services SY20.21:

- Math Coaching and Consulting Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Tuesday, June 2, 2020** unless otherwise stated in associated RFP's. Proposals should be emailed to bids@washingtonglobal.org.

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include any pertinent disclosures that may be present.

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

Application No. 19988 of Rupsha 2011 LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 206.2 to construct a new detached principal dwelling unit in the R-2 zone at premises 4417 Foote Street, N.E. (Square 5131, Lot 40).¹

HEARING DATES: May 1, June 5, and July 17, 2019
DECISION DATES: July 31 and September 18, 2019

DECISION AND ORDER

This self-certified application was submitted on February 6, 2019 on behalf of Rupsha 2011 LLC, the owner of the property that is the subject of the application (the “Applicant”). Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda and letters dated March 15, 2019, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 7 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 7D, the ANC in which the subject property is located, Single Member District ANC 7D05, and the owners of all property within 200 feet of the subject property. Notice was published in the D.C. Register on March 8, 2019 (66 DCR 2730) and April 12, 2019 (66 DCR 4782).

Party Status. The Applicant and ANC 7D were automatically parties in this proceeding. There were no requests for party status.

Applicant’s Case. The Applicant provided evidence and testimony in support of the application.

¹ The application initially requested area variances from requirements for side yard, lot area, and lot width. Because the subject property is an existing nonconforming record lot, only relief from the side yard requirements was needed for the Applicant’s proposal in accordance with Subtitle C § 301.1 (a record lot existing before the effective date of the Zoning Regulations that does not conform with lot dimension and lot area requirements may be considered a conforming lot for the purposes of building permits and uses provided that any building will meet applicable development standards and the non-conformity will not be increased). The application was amended to withdraw the requests for variances from requirements for lot area and lot width.

OP Report. By memorandum dated April 17, 2019, the Office of Planning recommended approval of the application. (Exhibit 26.)

DDOT Report. By memorandum dated April 19, 2019, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 27.)

ANC Report. ANC 7D did not submit a written report to the record for this application.

FINDINGS OF FACT

1. The property that is the subject of this application is an unimproved parcel located on the south side of Foote Street, N.E. between 44th and 45th Streets, N.E. (Square 1818, Lot 849) (Square 5131, Lot 40).
2. The subject property is rectangular, 25 feet wide and 92.5 feet deep. The lot area is 2,312 square feet.
3. The lot abuts a narrow parcel, also 92.5 feet deep, to the west. A public alley, 16 feet wide, abuts the adjoining parcel on the west. Another public alley, 15 feet wide, abuts the subject property and the adjoining parcel along their rear (south) lot lines.
4. The Applicant proposed to build a detached dwelling on the subject property. The planned structure would be 19 feet wide, providing side yards of three feet on each side.
5. The subject property and the surrounding area are located in an R-2 zone.
6. Pursuant to Subtitle D § 206.2, two side yards, each at least eight feet in width, are required for a detached building in the R-2 zone. Pursuant to Subtitle D § 206.3, one side yard, at least eight feet wide, is required for a semi-detached building in the R-2 zone.
7. The proposed detached principal dwelling would comply with development standards applicable in the R-2 zone other than the side yard requirements. The building height would be 27 feet and two stories, where a maximum of 40 feet and three stories is permitted. (Subtitle D § 303.1.) The lot occupancy would be 34.13%, where a maximum of 40% is permitted as a matter of right. (Subtitle D § 304.1.) A rear yard of 38 feet, six inches would be provided, where a minimum of 20 feet is required. (Subtitle D § 306.2.)
8. The subject property is nonconforming with respect to lot width and lot area. In accordance with Subtitle D § 302.1, the required minimum lot width is 30 feet (for a semi-detached building) or 40 feet (for all other structures), and the required minimum lot area is 3,000 square feet (for a semi-detached building) or 4,000 square feet (for all other structures).

9. The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1.) The provisions of the R zones are intended to: (a) provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of record; (e) establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 100.2.)
10. The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings. (Subtitle D § 300.5.)
11. The lot abutting the subject property to the east is developed with a detached dwelling with a side yard of approximately 50 feet on its west side, facing the subject property. An apartment house is located to the west of the subject property, across the public alley. Properties to the north, across Foote Street, are improved with detached and semi-detached dwellings. Properties to the south, across the public alley, contain semi-detached dwellings.
12. The surrounding neighborhood has a generally low- to moderate-density residential character and is developed primarily with apartment houses, detached dwellings, and semi-detached dwellings.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the side yard requirements applicable in the R-2 zone under Subtitle D § 206.2 to allow construction of a detached principal dwelling with two side yards of three feet, where a minimum of eight feet on both sides is required. The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that 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. (See 11 DCMR Subtitle X § 1000.1.)

For purposes of variance relief, the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a

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finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a use variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself... [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases....); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, “extraordinary circumstances” need not be limited to physical aspects of the land). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

In this proceeding, the Applicant asserted that the subject property faced an exceptional situation because the adjoining properties are under separate ownership, precluding their acquisition by the Applicant as a means of forming a larger lot consistent with zoning requirements. The Board does not agree that this constitutes an exceptional situation. The subject property is a regular, rectangular parcel that does not exhibit any unusual topographic conditions or other exceptional features. Neither its narrow size nor the separate ownership of adjoining parcels is unusual.

An applicant for area variance relief is required to show that the strict application of the zoning regulations would result in “practical difficulties.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires “[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome....” *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011). In assessing a claim of practical difficulty, proper factors for the Board’s consideration include the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976).

The Board finds the Applicant’s claim of practical difficulty unpersuasive. According to the Applicant, the requested variance relief from side yard requirements was necessary because otherwise the property could not be developed with a functional dwelling. However, the Applicant acknowledged that a semi-detached dwelling, 17 feet wide, could be built on the lot in compliance with all development standards applicable in the R-2 zone, including side yard setback. In light of the availability of a viable option that would not require zoning relief, the Board concludes that the Applicant did not demonstrate that compliance with the side yard requirements would be unnecessarily burdensome. The Applicant indicated a preference for a

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detached dwelling over a semi-detached building, which would either have fewer windows or at-risk windows. The Office of Planning opined that the proposed detached dwelling would provide “a layout compatible with contemporary standards and the neighborhood, while maintaining open space on each side of the building” to facilitate future maintenance of the building. The Board appreciates those concerns but concludes that those factors do not create a practical difficulty to the owner of the property sufficient to warrant variance relief in this instance, especially considering the absence of any exceptional circumstances of the property and the intent of the provisions of the R-2 zone.

The requested variance could be granted without resulting in substantial detriment to the public good. However, approval of the application would cause impairment of the zone plan through the granting of a variance where the property does not exhibit any exceptional situation and the strict application of the Zoning Regulations would not cause any practical difficulty to the owner because another option, consistent with all zoning requirements, is available. Under the circumstances, approval of a variance to allow a detached dwelling, not meeting side yard requirements, would not be consistent with the purposes of the Residential House zones to provide for the orderly development and use of land and structures and to allow for the matter-of-right development of existing lots of record, or with the intent of the R-2 zone to provide for areas predominantly developed with semi-detached houses on moderately sized lots.

The Board is required to give “great weight” to the recommendation of the Office of Planning. D.C. Official Code § 6-623.04 (2012 Repl.). For the reasons discussed above, the Board does not agree with OP’s recommendation that the application should be approved in this case.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)). In this case, ANC 7D did not submit a report stating any issues or concerns to which the Board can give great weight.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for an area variance from the side yard requirements of Subtitle D § 206.2 to construct a new detached principal dwelling unit in the R-2 zone at 4417 Foote Street, N.E. (Square 5131, Lot 40). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood (by absentee ballot) voting 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: May 12, 2020

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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.

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

Application No. 20041 of Stephen and Blair Raber, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the minimum rear yard setback requirements of Subtitle D § 5004.1 and from the nonconforming structure requirements of Subtitle C § 202.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the maximum height and number of stories for an accessory building under Subtitle D § 5002.1, to construct a pergola and roof deck on an existing accessory structure in the R-3 zone at premises 2119 S Street, N.W. (Square 2532, Lot 8).

HEARING DATE: July 3, 2019

DECISION DATE: July 3, 2019

DECISION AND ORDER

This application was submitted on March 14, 2019 on behalf of Stephen and Blair Raber, the owners of the property that is the subject of the application (the “Applicants”). Following a public hearing, the Board voted to DENY the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By letters and memoranda dated May 14, 2019, the Office of Zoning provided notice of the application and of the public hearing to the Applicants, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 2 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 2D, the ANC in which the subject property is located, Single Member District ANC 2D02, and ANC 2B, located adjacent to the Applicants’ property, and to the owners of all property within 200 feet of the subject property. Notice was published in the D.C. Register on May 17, 2019. (66 DCR 6187.)

Party Status. The Applicants and ANCs 2D and 2B were automatically parties in this proceeding.¹ There were no requests for party status.

¹ In accordance with Subtitle Y § 101.8, “the term ‘affected Advisory Neighborhood Commission’ or ‘affected ANC’ refers to the ANC within which the property that is the subject of an application is located, except if an area represented by another ANC is directly across the street from property that is the subject of an application the term shall also refer to that ANC.”

Applicants' Case. The Applicants provided evidence and testimony from Channing Blackwell, an engineer, in support of the application.

OP Report. By memorandum dated June 20, 2019, the Office of Planning recommended denial of the zoning relief requested by the Applicants. (Exhibit 44.)

DDOT. By memorandum dated June 21, 2019, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 45.)

Persons in support. The Board received letters and heard testimony from persons in support of the application, who indicated their lack of objection to the Applicant's proposal.

FINDINGS OF FACT

1. The property that is the subject of this application is located on the north side of S Street, N.W. between Florida Avenue and Phelps Place, N.W. (Square 2532, Lot 8).
2. The subject property is rectangular, 25 feet wide and 85 feet deep. The lot area is 2,125 square feet.
3. The subject property is improved with a three-story attached principal dwelling and an accessory structure, used as a garage, in the rear yard. The accessory structure is sited along the western lot line and extends almost the width of the lot. A walkway, approximately five feet wide and located to the east of the accessory structure, provides access to a public alley, 15 feet wide, abutting the subject property along its rear (north) lot line.
4. Existing lot occupancy at the subject property is 78.73%, where up to 60% is permitted as a matter of right and up to 70% by special exception.² (*See* Subtitle D §§ 304, 5201.)
5. The accessory structure is two stories and 24.67 feet in height.
6. A roof deck was built on top of the accessory structure, accessible via a staircase in the rear yard on the western portion of the lot. The roof deck is bounded by a lattice railing installed along the perimeter of the roof of the accessory building.
7. The Applicants testified that the existing roof of the accessory structure is in poor condition and must be replaced. In connection with that project, the Applicants proposed to replace the existing deck and railings with a new deck, railings, and pergola.

² The Board previously granted an application by prior owners of the subject property for an area variance from the lot occupancy requirements to allow an addition to the accessory structure. *See* Application No. 16585 (order issued August 8, 2000).

8. The pergola addition would increase the height of the accessory structure to 35 feet and three stories, where a maximum of 20 feet and two stories is permitted as a matter of right. (*See* Subtitle D § 5002.1.)
9. Properties in the vicinity of the subject property are also improved with attached principal dwellings, including several with accessory structures abutting the public alley. Some nearby properties have balconies or roof decks on either the principal or accessory structure. The surrounding neighborhood contains primarily attached principal dwellings and multi-family residential buildings.
10. The subject property and properties in the vicinity are located in an R-3 zone.
11. The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1.) The provisions of the R zones are intended to: (a) provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of record; (e) establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 100.2.)
12. The purpose of the R-3 zone is to allow for row dwellings while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings. (Subtitle D § 300.6.) The R-3 zone is intended to permit attached rowhouses on small lots. (Subtitle D § 300.7.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks relief from zoning requirements to allow a roof-top pergola addition to an existing nonconforming accessory structure in the R-3 zone at 2119 S Street, N.W. (Square 2532, Lot 8). Pursuant to Subtitle D § 5002.1, the maximum height of an accessory building in an R zone is limited to two stories and 20 feet. Because the Applicants' project would increase the height of their accessory structure to three stories and 35 feet, their proposal requires area variance relief from height requirements both in terms of feet and number of stories. The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict

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application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that 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. (See 11 DCMR Subtitle X § 1000.1.)

For purposes of variance relief, the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a use variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself... [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases....). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

In this proceeding, the Applicants testified that the buildings on their property are lower in height than some nearby buildings and that the existing conditions of the deck, the “only outdoor space that is usable for recreation and relaxation” at the subject property, make the existing deck unsafe and “visually unsatisfactory to the homeowners.” The Applicants stated that the accessory structure is in poor condition and in need of repairs, including a new roof, the installation of which would require removal of the existing roof deck. According to the Applicants, approval of the requested variance would bring the Applicants’ property “more in conformance” with neighboring residences that have pergolas on roof decks facing the public alley. (Exhibits 5, 8, 17, 18, 22.) The Applicants also emphasized that the accessory structure existed at its nonconforming height at the time they acquired the property.

The Board does not find that the subject property is faced with an exceptional situation and condition sufficient to warrant approval of the requested area variance. The subject property is a regular, rectangular parcel that does not exhibit any unusual topographic conditions or other exceptional features. The lot is improved with an attached principal dwelling and an accessory structure, similar to many other nearby parcels. The nonconforming height of the accessory structure is not unusual, although the Board credits the testimony of the Office of Planning that most accessory structures in the immediate vicinity have one story.³

³ The record does not contain substantial evidence to support the Applicants’ contentions that neighboring buildings are taller than the Applicants’ buildings and that pergolas are prevalent near the subject property. The Applicants’ characterization was not corroborated by the Office of Planning report, which noted “numerous examples of

An applicant for area variance relief is required to show that the strict application of the zoning regulations would result in “practical difficulties.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires “[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome....” *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011). In assessing a claim of practical difficulty, proper factors for the Board’s consideration include the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976).

The Applicants testified that the pergola addition would not be a structural repair but was designed “as a decorative feature” that would bring the subject property “more in conformance with [neighboring properties] that have pergolas.” According to the Applicants, the proposed pergola “would be more visually appealing and would remove the stark vacantness of the roof patio,” thereby adding to the Applicants’ privacy and “enjoyment of their patio space as this is the only outdoor space that is usable for recreation and relaxation.” The Applicants asserted that the pergola addition was needed to provide “a supplementary layer of buffering from the neighbors” since the accessory structure is lower than neighboring buildings. (Exhibits 5, 8, 18, 22.) At the public hearing, the Applicants’ representative testified that the pergola was proposed as a lighter option than an umbrella, preferable for structural reasons, and because a pergola “blends in with the rest of the neighborhood.” (BZA Public Hearing Transcript of July 3, 2019 at 39-41.)

The Board was not persuaded that the strict application of the Zoning Regulations would result in practical difficulties to the Applicants. Compliance with the height restrictions would not be unnecessarily burdensome or inconvenient, especially given the availability of other options for a roof-top addition permitted as a matter of right or with less substantial zoning relief.⁴ The Applicants acknowledged that the proposed addition was designed primarily for aesthetic reasons and was not required for the repair of the existing accessory structure. The proposed pergola addition is not necessary for the planned use of the roof top as a patio with “outdoor sitting area with sofas and chairs as well as planters.” Nor is the planned pergola needed to protect privacy, in light of other methods available to the Applicants that would provide suitable

balconies and rooftop decks on both main houses and accessory buildings” near the Applicants’ property “although no other pergolas were apparent to OP.” To the contrary, OP reported that the Applicants’ structure “appears to be the largest and tallest accessory building” along the alley, while “[o]ther accessory buildings along the alley tend to be one story buildings with rooftop decks, whereas this accessory building is a two-story building with a rooftop deck.”

⁴ As noted by the Office of Planning, the pergola addition proposed by the Applicants would utilize rafters separated less than 24 inches on center, and therefore the addition would be considered a third story. A redesign incorporating rafters more than 24 inches on center would not require variance relief for height in terms of number of stories.

screening of the roof deck without creating a new third story at the accessory structure or increasing building height as significantly as proposed in this application.

Approval of the requested variance relief would likely not result in substantial detriment to the public good, considering the relatively small size and open nature of the proposed structure, which would lessen potential impacts on light and air available to neighboring properties. However, approval of the requested variances would cause substantial impairment to the intent, purpose, and integrity of the zone plan. The Applicants' existing accessory structure is nonconforming with respect to height, and the proposed pergola addition would further increase that height to 35 feet and three stories, where maximums of 20 feet and two stories are permitted as a matter of right. Those increases are not warranted in the absence of any exceptional circumstances of the property or practical difficulty to the property owner.

The Applicants also requested special exceptions under Subtitle D § 5201 from the minimum rear yard setback requirements of Subtitle D § 5004.1 and from the nonconforming structure requirements of Subtitle C § 202.2. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception 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 Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

In accordance with Subtitle D § 5004.1, an accessory building in an R zone may be located within a rear yard but, where the property abuts an alley, the accessory building must be set back at least 12 feet from the center line of the alley. The Applicants' accessory building is located in a rear yard that abuts an alley 15 feet wide. According to OP, the proposed pergola would be set back slightly more than 10 feet from the center line of the abutting alley. Pursuant to Subtitle C § 202.2, an addition may be made to a nonconforming structure provided that the addition itself (a) will conform to use and development standards and (b) will not increase or extend any existing nonconforming aspect of the structure, or create any new nonconformity of the structure and addition combined. For purposes of the special exception request, the existing accessory structure is nonconforming with respect to alley center line setback. The Applicants' proposal would not conform to the development standard requiring a setback of at least 12 feet from the center line of the abutting alley and would extend that nonconforming aspect to a new third-story addition to the accessory structure.

The Board is authorized by Subtitle D § 5007.1 to approve exceptions to the development standards as a special exception under Subtitle X, Chapter 9, subject to the provisions and limitations of Subtitle D § 5201. These include that an applicant must demonstrate that the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular:

(a) the light and air available to neighboring properties must not be unduly affected,

- (b) the privacy of use and enjoyment of neighboring properties must not be unduly compromised; and
- (c) the addition, together with the original accessory structure, as viewed from a street, alley, or other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the subject street frontage. (Subtitle D § 5201.3.)

As noted above, the Applicants' proposed addition would likely not have a substantially adverse effect on the use or enjoyment of any other property, including that the light and air available to neighboring properties would likely not be unduly affected, and the privacy of use and enjoyment of neighboring properties would not be unduly compromised. However, the Board agrees with the Office of Planning that the proposed addition to the accessory structure, visible from the public alley, would substantially visually intrude on the character, scale, and pattern of buildings along the alley. The planned addition would result in a significant increase in the size of an accessory structure without the required setback from the center line of the abutting alley.

Under the circumstances, approval of the requested special exception would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as required by Subtitle X § 901.2. The grant of relief would not be consistent with the requirement of Subtitle D § 5201.3 to avoid visual intrusions on the character, scale, and pattern of structures, or with the purposes of the Residential House zones to provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development, to recognize and reinforce the importance of neighborhood character, and to allow for the matter-of-right development of existing lots of record.

The Board is required to give "great weight" to the recommendation of the Office of Planning, D.C. Official Code § 6-623.04 (2012 Repl.). For the reasons discussed above, the Board concurs with OP's recommendation that the application should be denied in this case.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANCs. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)).) In this case, neither affected ANC submitted a report stating any issues or concerns to which the Board can give the required great weight.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for area variances from the maximum height and number of stories for an accessory building or special exceptions from the minimum rear yard setback requirements and the requirements for enlargement of a nonconforming structure to allow a roof-top addition to an existing accessory structure in the R-3 zone at 2119 S Street, N.W. (Square 2532, Lot 8). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 5-0-0 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter A. Shapiro voting to DENY.)

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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: May 8, 2020

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.

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, MAY 27, 2020
Virtual Meeting via WebEx**

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

TIME: 9:30 A.M.

I. CONSENT CALENDAR

A. Modification of Consequence

Application No. 19134C of The Embassy of Zambia

Pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the time limit condition of BZA Order No. 19134-B to allow the temporary location of a chancery in the in the R-3 Zone at premises 2200 R Street, N.W. (Square 2512, Lot 808). (ANC 2D-02)

B. Minor Modification

Application No. 19618-B of Hillsdale College

Pursuant to 11 DCMR Subtitle Y § 703, for a minor modification to the plans approved in BZA Order No. 19618, to raze and rebuild the carriage house with an improved structural integrity in the RF-3 Zone at premises 19 4th Street Rear N.E. (Square 816, Lot 18). (ANC 6C-01)

C. Request for Time Extension

Application No. 19794-A of Scott Giering

Pursuant to 11 DCMR Subtitle Y, § 705.1, for a two year time extension of BZA Order No. 19794 approving special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 744 Hobart Place, N.W. (Square 2888, Lot 117). (ANC 1B-09)

II. MOTIONS

A. Board Motions to Reopen Record

1) Application No. 19683 of Brian Wise

Pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5204 from the rear yard requirements of Subtitle E § 5104, and from the alley centerline setback

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requirements of Subtitle E § 5106, and pursuant to Subtitle X, Chapter 10, for area variances from the lot area requirements of Subtitle E § 201.1, and from the lot frontage requirements of Subtitle C § 303.3(a)-(b), to construct a two-story, one-family dwelling on an existing vacant alley lot in the RF-3 Zone at premises 260 Lincoln Court, S.E. (Square 762, Lot 828). (6B-01)

2) Application No. 19629 of Timothy and Charlotte Lawrence

Pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5204 from the rear yard requirements of Subtitle E § 5104.1, and the side yard requirements of Subtitle E § 5105.1, and pursuant to Subtitle X, Chapter 10, for variances from the alley centerline setback requirements of Subtitle E § 5106.1, and from pervious surface requirements of Subtitle E § 5107.1, to construct a garage structure on an alley lot in the RF-1 zone at premises 1665 Harvard Street, N.W. (Rear). (Square 2588, Lot 827). (ANC 1D-05)

PLEASE NOTE:

This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Information for the public to view or listen to the public meeting will be provided on the Office of Zoning website and in the case record for each application or appeal as soon as possible in advance of the meeting date.

Do you need assistance to participate?

Amharic

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Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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MAY 27, 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 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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Vietnamese

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

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

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

**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, MEMBER
VACANT, 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
Z.C. ORDER NO. 13-09C
Z.C. Case No. 13-09C
Stanton TH LLC
(Modification of Consequence of a Consolidated Planned Unit Development
Located at Square 5877, Lots 1080 through 1123 – formerly part of Lot 122)
October 21, 2019

Pursuant to notice, at its October 21, 2019, public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Stanton TH LLC (the “Applicant”) for a modification of consequence to Condition No. 1 of, and the plans approved by, Z.C. Order No. 13-09 (the “Original Order”), as modified by Z.C. Order Nos. 13-09A and 13-09B, that approved a consolidated planned unit development (“PUD”) for Lot 122 in Square 5877 (the “Property”). 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 (Zoning Regulations of 2016 [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

Background

1. Pursuant to the Original Order, the Commission approved a first-stage PUD (the “Approved First-Stage PUD”) for a portion of the Community Service Center Campus (“CSCC”); a consolidated PUD (the “Approved Consolidated PUD”) for the remainder of the CSCC, as well as a residential portion including approximately 120 residential units in three multi-family buildings and 42 townhouses; and a related Zoning Map amendment (collectively, the “Approved PUD”). Building permits have been issued, and construction started, for the three multi-family buildings.
2. In Z.C. Order No. 13-09A (effective November 25, 2016), the Commission approved modifications to the Approved Consolidated PUD for the redesign and relocation of certain architectural elements of the CSCC building
3. In Z.C. Order No. 13-09B (effective February 2, 2018), the Commission approved a time extension for the Approved First-Stage PUD for the second CSCC building. Z.C. Order No. 13-09B required the Applicant to file a second-stage PUD application for the second CSCC building by May 20, 2020.

Parties

4. The only party to the Approved PUD other than the Applicant was Advisory Neighborhood Commission (“ANC”) 8B, but ANC 8A is also deemed an “affected” ANC pursuant to Subtitle Z § 101.8 as it is located across the street from a portion of the Property.

The Application

5. On August 14, 2019, the Applicant served the Application on the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), and ANCs 8B and 8A as attested by a provided Certificate of Service filed with the Application. (Exhibit [“Ex.”] 1.)
6. The Application proposed the following modifications to the design and location of townhouse architectural elements caused by: (i) building code issues for some of the approved bay windows; and (ii) the overwhelming market demand for townhouses in the Congress Heights and Ft. Lincoln neighborhoods:
 - Removal of bay windows from four of the townhouses to comply with the building code requirement of a 15-foot separation between glazed openings on structures;
 - Reversing the unit layout/configuration of four end townhouses to allow for better internal configuration of the units – this entails flipping the entrance to these end townhouse units to the interior of the string and modifications to the elevations of the exposed walls (including windows, trim, and architectural embellishments);
 - Revising the driveway location of the townhouse adjacent to the pocket park/tot lot to reflect the reversing of the unit layout/configuration;
 - Revising four end-units to allow for two-car garages; and
 - Making minor adjustments to the cornice treatment, window arrangements, site grading, building heights, and front stoops of all of the townhouses. (Ex. 1.)
7. The Application requests increases in the following development flexibility granted by the Original Order to accommodate these modifications:
 - Side yard flexibility for one lot (Lot T28) in addition to the nine lots granted this flexibility in the Original Order; and (Z.C. Case No. 13-09, Ex. 70A1.)
 - Rear yard flexibility for 35 townhouse lots to allow deeper townhouses and five-foot-deep deck options, rather than the previously approved four-foot deck options. (Original Order Finding of Fact [“FF”] No. 55.)

Responses to the Application**OP**

8. OP submitted a September 2, 2019 report (the “OP Report”), that concluded that the Application qualified as a modification of consequence because the proposed changes are consistent with Subtitle Z § 703.4, as a redesign of architectural elements of the original plan for the townhome development of the Approved Consolidated PUD and recommended approval. (Ex. 3.)

ANCs

9. ANC 8A did not submit a response to the Application.
10. Although the Applicant stated that ANC 8B had voted in support of the Application at its regularly scheduled meeting of July 16, 2019, at which the Applicant had presented the

Application, ANC 8B did not submit a formal resolution to the case record documenting its July 16, 2019 vote. (Ex. 1; October 21, 2019 Meeting Transcript [“Tr.”] at 22.)

11. On October 18, 2019, ANC 8B submitted an e-mail and one-page resolution (the “ANC 8B Resolution”) that requested the Commission table the vote on the Application until Horning Brothers and ANC 8B reached an agreement on a new Community Benefits Agreement and that the Commission switch the approved Inclusionary Zoning (“IZ”) units to Accessory Dwelling Units (“ADUs”). (Ex. 4.)
12. The Applicant responded on October 21, 2019, stating that the Application’s minor architectural changes should not trigger a new Community Benefits Agreement because the Applicant and its partners have provided significant and substantial benefits to the community that are above and beyond what was required in the Approved PUD and have satisfied all applicable requirements of Original Order. The Applicant also stated that it could not support ANC 8B’s request that the Commission “switch” the IZ units to ADUs. (Ex. 5.)

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes a “proposed change to a condition in the final order” and a “redesign or relocation of architectural elements” as examples of modifications of consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANCs 8B and 8A.
5. The Commission concludes that the Application qualifies as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify architectural elements of the townhouse portion of the Approved Consolidated PUD, and Condition No. 1 of the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANCs 8B and 8A, the only parties other than the Applicant to the Original Order, were provided an opportunity to respond to the Application by October 7, 2019, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the

Commission could consider the merits of the Application at its October 21, 2019, public meeting.

7. The Commission concludes that the Application is consistent with the Approved PUD because the proposed modifications are minor increases to the approved development flexibility without significant changes to the approved design and so do not require a new evaluation of the PUD approval.

“Great Weight” to the Recommendations of OP

8. The Commission must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
9. The Commission notes OP’s support of the Application being considered as a modification of consequence and finds persuasive OP’s recommendation that the Commission approve the Application, in which judgment the Commission concurs.

“Great Weight” to the Recommendations of the ANC

10. The Commission must give “great weight” to the issues and concerns of the affected ANC expressed in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
11. The Commission finds that the ANC 8B Resolution fails to meet the statutory “great weight” requirements, also reflected in Subtitle Z § 406.2, because it fails to note whether a vote was taken at a duly noticed public meeting, the number of ANC Commissioners required for a quorum, and the results of the vote that was taken to adopt the resolution.
12. Nonetheless, the Commission finds the ANC 8B Resolution unpersuasive because it did not raise legally relevant concerns about the Application’s proposed modifications, which do not require additional public benefits based on the minor nature of the proposed changes. The Commission noted at the public hearing that public benefits are not renegotiated after final approval by the Commission unless required by a significant change in the development flexibility requested, in which case the changes in benefits would be consistent with the degree of changes in development flexibility, or if the Applicant proposed to change the approved public benefits. In this case, the Application did not request any modifications to the Approved Consolidated PUD’s project benefits and community amenities, and the increases in development flexibility are minor. (Tr. at

21-23.) Therefore, the Commission concludes that the ANC 8B Resolution's requests to require the Applicant to enter into a new Community Benefits Agreement and to switch IZ units to ADUs are not legally relevant to the Application and should not be adopted.

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 **APPROVES** the Application's request for a modification of consequence to modify Condition No. 1, and the plans approved thereby, of Z.C. Order No. 13-09, as modified by Z.C. Order Nos. 13-09A and 13-09B, as follows (deletions in ~~bold/strikethrough~~; additions in **bold/underlined**):

1. The PUD project shall be developed in accordance with the plans **dated March 14, 2016** at Exhibits 70A1-70A7 ~~of in Z.C.~~ Case No. 13-09, as modified by:
 - = The plans **dated July 29, 2016 at** Exhibit ~~1C1-1C2~~ of Z.C. Case No. 13-09A; and
 - = **The plans dated May 16, 2019 at Exhibit 1C of Z.C. Case No. 13-09C,** as further modified by the guidelines, conditions, and standards herein.

All other conditions in Z.C. Order No. 13-09, as modified by Z.C. Order Nos. 13-09A and 13-09B, remain unchanged and in effect.

VOTE (October 21, 2019): 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**.¹)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 13-09C shall become final and effective upon publication in the *D.C. Register*; that is on May 22, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

¹ Commissioners May and Turnbull voted by absentee ballot.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-13C**

Z.C. Case No. 15-13C

1309 E Street, LLC

**(Modification of Consequence of a Consolidated Planned Unit Development @
Square 1043, Lots 168 and 859)**

November 18, 2019

Pursuant to notice, at its public meeting on November 18, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 1309 E Street, LLC (the “Applicant”) for a modification of consequence to Conditions B.2.b, B.2.f, and B.2.g of Z.C. Order No. 15-13 (the “Original Order”), as modified by Z.C. Order No. 15-13B, that approved a consolidated planned unit development (“PUD”) for Lots 142, 849-851,¹ and 859 in Square 1043 (the “Property”). 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 (Zoning Regulations of 2016 [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

Background

1. Pursuant to the Original Order, the Commission approved a consolidated PUD, with a related Zoning Map amendment from the C-M-1 zone to the R-5-B zone, to develop 44 residential units (29 townhouse units that are row dwellings, 14 ownership units in a multi-family building, and one separate single-family townhouse unit) with a total of approximately 87,703 sq. ft., for a floor area ratio (“FAR”) of 2.92 (the “Approved PUD”).
2. In Z.C. Case No. 15-13A, the Applicant filed, but then withdrew, an application for a modification of consequence for architectural changes to the Approved PUD.
3. In Z.C. Order No. 15-13B, the Commission approved a technical correction to the Original Order that substituted “condo” with “ownership unit” and “condominium association” with “owner’s association.”

Parties

4. The only party in Z.C. Case No. 15-13, other than the Applicant, was Advisory Neighborhood Commission (“ANC”) 6B, the “affected” ANC pursuant to Subtitle Z § 101.8.

¹ Lots 142 and 849-851 were combined into Record Lot 168, which was subsequently divided into various tax lots to facilitate the sale of the 43 housing units. The separate single-family unit remains on Lot 859.

The Application

5. On October 23, 2019, the Applicant served the Application on ANC 6B and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 2.)

Condition No. B.2.b

6. The Application proposed to revise Condition No. B.2.b of the Original Order, which currently states:

B.2.b. *The Applicant shall expend \$30,000 towards improvements at the Potomac Avenue Metro Plaza, if approved by WMATA and DDOT. Subject to final approval by the agencies, the improvements will include installing greenery/landscaping around the station elevator and removal of the kiosk. The Applicant shall provide to the Zoning Administrator evidence that the improvements by WMATA and DDOT have been or are being provided.*

7. The Application sought to modify the condition to allow for the placement of the \$30,000 in an escrow account until all relevant agencies and stakeholders can come to agreement on the improvements to the Potomac Avenue Metro Plaza.
8. The Applicant noted that it has been working with representatives of ANC 6B, WMATA, Ward 6 Councilmember Allen’s staff, and representatives of adjacent projects² regarding the proposed improvements to the Potomac Avenue Metro Plaza. (Ex. 2C.)

Condition No. B.2.f

7. The Application proposed to revise Condition No. B.2.f of the Original Order, which currently states:

B.2.f. *The Applicant will replace the metal fence along G Street for the Potomac Gardens apartment complex in a style and type as agreed to by the Applicant and the ownership of the apartment complex;*

9. The Application sought to modify this condition to reflect the agreement reached by the Application with the owner of the Potomac Gardens apartment complex, the District of Columbia Housing Authority (“DCHA”), to modify and repair not just a portion but the entire fence surrounding the Potomac Gardens apartment complex.
10. The Executive Director of DCHA stated in a October 7, 2019, letter that “[t]his modification would improve the aesthetic of the entire perimeter of the site and substantially increase the benefit to both the residents of Potomac Gardens as well as the surrounding community.” (Ex. 2D.)

² Neighboring projects include the Insight E Street, LLC PUD. This PUD was approved by ZC Order No. 15-33, which includes a condition that allows for the escrowing of funds.

Condition No. B.2.g

8. The Application proposed to revise Condition No. B.2.g of the Original Order, which currently states:

B.2.g. The Applicant will contribute \$1,000 to DC Safety Net for the purchase of vests and office supplies for its Safe Routes program. The Applicant will provide evidence from DC Safety Net to the Zoning Administrator that such supplies were purchased.

11. The Application sought this modification because DC Safety Net has terminated its operations and is no longer active in the Capitol Hill community. The Applicant has worked with representatives of ANC 6B to find an appropriate replacement organization that fulfills the same mission as DC Safety Net and have agreed that Celebrate Capitol Hill (“CCH”) does in fact meet that requirement. The Applicant proposes to contribute the \$1,000 to CCH to be used for its Neighbor Assistance Fund, which aims to support those who have been, or whose families have been, affected by violent crime.
12. To the extent that this proposed revised recipient of this contribution does not meet the strict requirements of Subtitle X § 305.3(d), the Application requested that the Commission waive those requirements as such a provision did not exist when the Commission approved the Original Order (which was approved under the 1958 Zoning Regulations). (Ex. 1.)

Responses to the ApplicationOP

13. On November 8, 2019, the Office of Planning (“OP”) submitted a report (the “OP Report”) that recommended approval of the requested modifications to the three approved conditions of the Original Order. (Ex. 5.)

ANC

14. ANC 6B submitted two letters:
- A July 11, 2019, letter stating that at its public meeting on July 9, 2019, with a quorum present, it voted to support the proposed modification to Condition No. B.2.b; and
 - An October 15, 2019, letter stating that at its public meeting on October 15, 2019, with a quorum present, it voted to support the proposed modifications to Condition Nos. B.2.f. and B.2.g. (Ex. 2C.)

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes a “proposed change to a condition in the final order” as an example of a modification of consequence.

4. The Commission notes that the conditions proposed to be modified by the Application are related to the PUD's approved public benefits, and therefore should normally be considered as modifications of significance pursuant to Subtitle Z § 703.6. However, the Commission concludes that the *de minimis* nature of the requested modifications, and the fact that neither the amount nor purpose of the benefits would change substantially, justified the Commission considering the Application as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4. The Application can therefore be considered without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
5. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6B.
6. The Commission concludes that the response to the Application by ANC 6B, the only party other than the Applicant to the Original Order, satisfied the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its public meeting on November 18, 2019.
7. The Commission concludes that the Application is consistent with the Original Order, as modified by ZC Order No. 15-13B, because the proposed modifications do not substantively change the original public benefits and are consistent with the Commission's intent in approving the public benefits for the Approved PUD. The Commission specifically concluded that:
 - The proposed establishment of an escrow account for the Potomac Avenue Metro Plaza will still allow for the improvements to occur, will help assure that the improvements are properly coordinated with all relevant stakeholders, and is an appropriate mechanism given the involvement of other entities such as WMATA that are subject to their own planning and approval processes;
 - The revised condition for the fence improvements will increase the previously approved public benefit, was the result of a thorough public dialogue, and has the support of the owner of the Potomac Gardens apartment complex; and
 - The substitution of a defunct community organization as the recipient of the \$1,000 contribution with CCH's victim assistance fund is consistent with goals of the original approval of the PUD Project. The Commission concludes that a waiver from the provisions of Subtitle X § 305.3(d) is not required because the revised contribution is for a specific program and the Applicant will be able to provide the Zoning Administrator with evidence that the funds had been provided prior to the issuance of the Certificate of Occupancy.

“Great Weight” to the Recommendations of OP

8. The Board must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law

8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

9. The Commission notes OP's lack of objection to the Application being considered as a modification of consequence and finds OP's recommendation that the Commission approve the Application persuasive and concurs in that judgement.

“Great Weight” to the Recommendations of the ANC

10. The Commission must give “great weight” to the issues and concerns of the affected ANC expressed in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
11. The Commission notes that ANC 6B was an active participant in reviewing and approving the proposed modifications and finds ANC 6B's submissions in support of the Application persuasive and concurs in that judgement.

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 **APPROVES** the Applicant's request for a modification of consequence to amend Condition Nos. B.2.b, B.2.f, and B.2.g of Z.C. Order No. 15-13, as modified by Z.C. Order No. 15-13B, as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions in **bold** and underlined text), with all other conditions in Z.C. Order No. 15-13 and 15-13B remaining unchanged and in effect:

- B.2.b. The Applicant shall ~~expend place~~ **expend place** \$30,000 ~~towards in an escrow account, with the funds ultimately to be used for~~ improvements at the Potomac Avenue Metro Plaza, ~~if as~~ approved by ~~WMATA and DDOT~~ **the relevant stakeholders including ANC 6B, WMATA, and DDOT**. ~~Subject to final approval by the agencies, the improvements will include installing greenery/landscaping around the station elevator and removal of the kiosk.~~ The Applicant shall provide ~~to~~ the Zoning Administrator with evidence that the ~~improvements by WMATA and DDOT have been or are being provided~~ **escrow account has been established**;
- B.2.f. The Applicant will ~~replace~~ **modify and repair** the ~~existing~~ metal fence ~~along G Street for surrounding the entire perimeter~~ of the Potomac Gardens apartment complex in a style and type as agreed to by the Applicant and the ownership of the

apartment complex. The Applicant shall provide evidence to the Zoning Administrator that this work has occurred; and

- B.2.g. The Applicant will contribute \$1,000 to ~~DC Safety Net~~ Celebrate Capitol Hill (“CCH”) for ~~the purchase of vests and office supplies for its Safe Routes program~~ its Neighbor Assistance Fund. The Applicant will provide evidence ~~from DC Safety Net~~ to the Zoning Administrator that ~~such supplies were purchased~~ the \$1,000 contribution has been made to CCH.

VOTE (Nov. 18, 2019): 5-0-0

Anthony J. Hood, Robert E. Miller, Peter G. May, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order 15-13C shall become final and effective upon publication in the *D.C. Register*; that is on May 22, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. CORRECTED¹ ORDER NO. 16-06C(1)
Z.C. Case No. 16-06C
JEMAL/PTM LAZRIV WATER II
(Design Review Modification of Consequence @ 1900 Half Street, S.W.-
Lot 15, Square 666)
November 18, 2019

Pursuant to notice, at its November 18, 2019 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of JEMAL/PTM LAZRIV WATER II (the “Applicant”) for a modification of consequence to a design review case originally approved in Z.C. Order No. 16-06 (the “Original Order”), as modified by Z.C. Orders Nos. 16-06A and 16-06B, for Lot 15 in Square 666, with a street address of 1900 Half Street, S.W. (the “Property”). 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 (Zoning Regulations of 2016, 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

Background

1. Pursuant to the Original Order, the Commission granted design review approval to adaptively reuse the existing office building on the Property as a mixed-use project comprised of residential and retail uses (the “**Approved Project**”), which required the construction of new public space improvements and infrastructure surrounding the Property, including streets, sidewalks, curb extensions, landscaping, signage, a cycle track, and a portion of the new “Anacostia Riverwalk,” collectively the “Public Space Improvements.” (Exhibit [“Ex.”] 2D.)
2. The Public Space Improvements exceeded the scope of improvements that are typically included in a design review application due to the poor infrastructure around the Property, as reflected by the report of the District Department of Transportation (“DDOT”) in Z.C. Case No. 16-06 (the “16-06 DDOT Report”) (Ex. 18, p. 5; included as Ex. 2E in the present case), which stated that although “any substantial new building development or renovation is expected to rehabilitate streetscape infrastructure *between the curb and the property lines*,” the “existing street network surrounding this Site in the Buzzard Point neighborhood is in relatively poor condition, with inadequate facilities for vehicles, pedestrians, and bicyclists. To remediate this, *the Applicant proposes significant upgrades to the transportation network surrounding the Site.*” The 16-06 DDOT Report noted that the “significant upgrades to the transportation network surrounding the Site... *will be finalized*”

¹ This is a corrected version of Z.C. Order No. 16-06C published in the May 15, 2020, edition of the *D.C. Register* to revise the amended Condition No. 2 on page 6 to reflect the modified plans approved by Z.C. Order Nos. 16-06A and 16-06B.

during the public space permitting process”; that “the details [] *will be coordinated during the public space permitting process*”; and that “[a]ll public space, including curb and gutter, street trees and landscaping, street lights, sidewalks, and other features within the public rights of way, are expected to be designed and built to DDOT standards and desired design, and *will be coordinated during the public space permitting process.*” (emphases added)

3. In addition to the streetscape upgrades typically required between the curb and property line, the Public Space Improvements required by the Applicant included:
 - Fully reconstruct portions of T Street, Water Street, and Half Street, S.W. to DDOT standards;
 - Construct new sidewalks adjacent to the Property and beyond;
 - Provide a cycle track on T Street; and
 - Build a portion of the Anacostia Riverwalk.
4. In Z.C. Order No. 16-06A, effective May 11, 2018, the Commission approved a modification of significance to the Approved Project that included special exception relief, to modify the roof plan, reduce the number of residential units, reduce the number of parking spaces, reallocate interior space between uses, and modify the building’s façade. Z.C. Order No. 16-06A did not modify the public space improvements that are the subject of this Application. (Ex. 2B.)
5. In Z.C. Order No. 16-06B, effective December 21, 2018, the Commission approved a modification of consequence to the Approved Project to modify architectural details resulting in approximately 502,395 square feet of total gross floor area (4.53 floor area ratio), with approximately 453 residential dwelling units and 280 parking spaces. Z.C. Order No. 16-06B also did not modify the public space improvements that are the subject of this Application. (Ex. 2C.)

Parties

6. The only party to Z.C Case No. 16-06 other than the Applicant, was Advisory Neighborhood Commission (“ANC”) 6D, the “affected” ANC pursuant to Subtitle Z § 101.8.

The Application

7. On October 1, 2019, the Applicant served the Application on ANC 6D and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Ex. 2, p. 6.)
8. The Application proposed to modify Condition Nos. 2 and 4 of the Original Order to remove the following improvements, pursuant to DDOT’s conclusions in the public space permitting process, from the Public Space Improvements:

- The sidewalk on Half Street between T and S Streets, SW, which should instead be constructed by the developer of the adjacent site (Lots 1-3, 11-13, 800 and 803 in Square 664); and
- The cycle track on T Street, S.W., because it would interfere with vehicular and loading access to private property to the north of T Street, S.W. (Lot 9 in Square 664E).

Specifically, the Application proposed to:

- Substitute the DDOT-approved revised public space plan, the “DDOT-Approved Plan”) (Ex. 2F) for that approved by Condition No. 2 of the Original Order (Ex. 2D), as it applies to the sidewalk on Half Street and the cycle track on T Street; and
 - Edit Condition No. 4 in the Original Order to remove the requirement that the Applicant construct the sidewalk on Half Street, S.W., and the cycle track on T Street, S.W.
9. The Applicant submitted a November 8, 2019, letter stating that it would submit a public space application to clarify and address DDOT’s concerns that the DDOT-Approved Plan had the following “minor design deficiencies” that could be addressed through public space permitting: (Ex. 7.)
- Resurfacing and painting the temporary sidewalk on the east side of Half Street; and
 - Constructing a transition from the curb at the northeast corner of T and Half Streets to the temporary sidewalk.

Responses to the Application

OP

10. OP submitted an October 17, 2019, report (the “OP Report”) stating that it: (Ex. 5.)
- Had no objection to the Application being considered as a modification of consequence, and
 - Continued to coordinate with DDOT on the Application and would provide a report with a recommendation prior to the close of the comment period.
11. OP submitted a November 12, 2019, supplemental report that recommended approval of the Application subject to the Applicant submitting a public space permit application to DDOT to clarify and address the minor design deficiencies identified by DDOT. (Ex. 8.)

DDOT

12. DDOT submitted a November 12, 2019, report (the “DDOT Report”) stating no objection to the Application because: (Ex. 9.)
- “[a]t the time ZC Case No. 16-06 was reviewed, no developments were imminent on the north side of T Street east of Half Street. New developments are now reasonably foreseeable, with one of the properties actively in the public space permitting process. Any public space improvements north of T Street completed by the Applicant would very likely to be damaged by construction of new buildings on the north side of T Street. Accordingly, DDOT will work through the Zoning Commission Design Review and*

public space permitting processes to require the adjacent property owner to implement the transportation improvements in the subject Decisions.” (emphasis added)

However, the DDOT Report noted that pedestrian facilities are required to connect the Property to the new sidewalk network located north of S Street, S.W., until new adjacent development improves the streetscape on the east side of Half Street between S and T Streets, S.W. The DDOT Report stated that the Applicant has agreed to address this need by constructing a temporary painted sidewalk on the east side of Half Street between S and T Streets, S.W.

ANC 6D

13. ANC 6D submitted a written report (the “ANC Report”) stating that at its duly noticed public meeting of October 21, 2019, at which a quorum was present, ANC 6D voted to support the Application with the conditions listed below: (Ex. 6.)
- “The Applicant’s obligation to construct 200 feet of bicycle infrastructure should be maintained. The Applicant should be required to construct or pay for the construction of 200 feet of bicycle infrastructure at the time that DDOT determines that a cycle track is appropriate in the previously-approved location or otherwise in the immediate vicinity; and
 - The Applicant should install pedestrian traffic and crossing signage on its property adjacent to T Street alerting pedestrians of safety concerns and warning vehicles of pedestrians in the surrounding area.”

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of modifications of consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6D.
5. The Commission concludes that the Application qualifies as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify the conditions approved by the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).

6. The Commission concludes that the Application is consistent with the Approved Project as approved by the Original Order and as modified by Z.C. Order Nos. 16-06A and 16-06B despite the proposed modifications reducing the required Public Space Improvements because DDOT, which originally requested the Public Space Improvements as “transportation mitigation measures,” approved these modifications through the public space permitting process, as anticipated by the 16-06 DDOT Report.

“Great Weight” to the Recommendations of OP

7. The Board must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
8. The Commission notes OP’s support for the Application being considered as a Modification of Consequence and finds OP’s recommendation to approve the Application, subject to the Applicant submitting a public space permit application, persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

9. 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.); see 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).)
10. The Commission does not find persuasive the ANC Report’s concern that the Applicant retain responsibility to construct or pay for the construction of future bicycle infrastructure because DDOT, which requested this as a transportation mitigation measure in the 16-06 DDOT Report, subsequently approved removing this requirement. The Commission credits DDOT’s explanation for its changed recommendation that such improvements, if built by the Applicant would likely be damaged by anticipated nearby development, which should instead bear the responsibility for such public space improvements. The Commission notes that the Application seeks to modify a design review approval for which there is no requirement for public benefits as is the case for a planned unit development approval.

11. The Commission does find the ANC Report's concern for pedestrian safety persuasive and adopts the proposed condition requiring the Applicant to install pedestrian traffic and crossing signage on its property adjacent to T Street alerting pedestrians of safety concerns and warning vehicles of pedestrians in the surrounding area.
12. The Commission therefore adopts the ANC Report's second condition for pedestrian safety but does not adopt the first condition for the bicycle infrastructure, and notes the ANC Report's support for the Application, with which the Commission concurs.

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 **APPROVES** the Applicant's request for a Modification of Consequence to Z.C. Order No. 16-06, as modified by Z.C. Order Nos. 16-06A and 16-06B, all conditions of which remain unchanged and in effect except that Conditions Nos. 2 and 4, which are revised to read as follows (deletions shown in **bold** and ~~striketrough~~ text; additions in **bold** and underlined text):

2. The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29), as modified by:
 - The architectural drawings submitted in the record of Z.C. Case No. 16-06B, dated August 6, 2018; (Ex. 1E),
 - **The DDOT-Approved Plan submitted in the record of Z.C. Case No. 16-06C, dated December 3, 2018 (Ex. 2F), incorporating any changes required by the public space permit approving the temporary sidewalk improvements required by Condition No. 4(a) of Z.C. Order No. 16-06 as amended by Z.C. Order No. 16-06C; and as modified by**
 - The guidelines, conditions, and standards below.
4. The Applicant shall incorporate the following transportation mitigation measures:
 - a. **Construct a sidewalk along the east side of Half Street, between T Street and S Street, S.W. Submit a public space permit application for the following temporary sidewalk improvements:**
 - i. **Resurfacing and painting the temporary sidewalk on the east side of Half Street, S.W, between S and T Streets, S.W.; and**
 - ii. **Constructing a transition from the curb at the northeast corner of T and Half Streets, S.W. to the temporary sidewalk; and**
 - iii. **Complete these temporary sidewalk improvements unless the property on the east side of Half Street, S.W., between S and T Streets, S.W., is**

under construction and impedes the Applicant's ability to install these temporary sidewalk improvements;

- b. ~~Design and construct an approximately 200-foot cycle track to be separated from the street between the Riverwalk and Water Street, along T Street~~ **Install pedestrian traffic and crossing signage on its property adjacent to T Street alerting pedestrians of safety concerns and warning vehicles of pedestrians in the surrounding area;** and
- c. Design and install appropriate pavement marking and signage for both blocks of Water Street, S.W., to ensure safe operations, with a curb extension and striping at the T Street intersection designed as needed to ensure roadway widths of each block match.

VOTE (Nov. 18, 2019): 5-0-0 (Peter A. Shapiro, Michael G. Turnbull, Anthony J. Hood, Robert E. Miller, and Peter G. May to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 16-06C became final and effective upon the original publication date in the *D.C. Register*; that is, on May 15, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION CORRECTED¹ ORDER NO. 16-06D(1)**

Z.C. Case No. 16-06D

JEMAL/PTM LAZRIV WATER II

(Design Review Modification of Consequence

@ Square 666, Lot 15[1900 Half Street, S.W.]

April 27, 2020

Pursuant to notice, at its April 27, 2020 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of JEMAL/PTM LAZRIV WATER II (the “Applicant”) for a modification of consequence to a design review case originally approved in Z.C. Order No. 16-06 (the “Original Order”), as modified by Z.C. Order Nos. 16-06A, 16-06B, and 16-06C, for Lot 15 in Square 666, with a street address of 1900 Half Street, S.W. (the “Property”) to add:

- Education uses to the uses authorized by the Original Order; and
- 2,400 square feet of gross floor area (“GFA”) and 0.47% to the floor area ratio (“FAR”) to that approved by the Original Order.

The Application also included a request for a waiver from Subtitle Z §§ 703.5 and 703.6 pursuant to Subtitle Z § 101.9, in order to substitute the Eagle Academy Public Charter School (“Eagle Academy”) in place of a retail use approved by the Original Order.

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 (Zoning Regulations of 2016 [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

Background

1. Pursuant to the Original Order, the Commission granted design review approval to adaptively reuse the existing office building on the Property into a mixed-use project comprised of residential and retail uses (the “Approved Project”).
2. Pursuant to Z.C. Order No. 16-06A, effective May 11, 2018, the Commission approved a modification of significance to the Approved Project that included special exception relief to modify the roof plan, reduce the number of residential units, reduce the number of parking spaces, reallocate interior space between uses, and modify the building’s façade.

¹ This is a corrected version of Z.C. Order No. 16-06C published in the May 15, 2020 edition of the *D.C. Register* to revise the amended Condition No. 2 on page 6 to reflect the modified plans approved by Z.C. Order Nos. 16-06A, 16-06B, and 16-06C.

Z.C. Order No. 16-06A did not modify the public space improvements that are the subject of this Application. (Exhibit [“Ex.”] 2B.)

3. Pursuant to Z.C. Order No. 16-06B, effective December 21, 2018, the Commission approved a modification of consequence to the Approved Project to modify architectural details resulting in approximately 502,395 square feet of total gross floor area (4.53 FAR), with approximately 453 residential dwelling units and 280 parking spaces. Z.C. Order No. 16-06B also did not modify the public space improvements that are the subject of this Application. (Ex. 2C.)
4. Pursuant to Z.C. Order No. 16-06C, the Commission approved a modification of consequence to the Approved Project to permit changes to Condition Nos. 2 and 4 of the Original Order to substitute the public space plans approved by the Original Order with a new public space plan approved by the District Department of Transportation (“DDOT”) in regards to the sidewalk on Half Street and the cycle track on T Street.

Parties

5. The only party to Z.C Case Nos. 16-06, 16-06A, 16-06B, and the present case, other than the Applicant, was Advisory Neighborhood Commission (“ANC”) 6D, the “affected” ANC pursuant to Subtitle Z § 101.8.

The Application

6. On March 3, 2020, the Applicant served the Application on ANC 6D and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Ex. 2.)
7. Pursuant to Subtitle Z § 101.9, the Applicant requested that the Commission waive the classification of a change of use as a modification of significance in Subtitle Z §§ 703.5 and 703.6 in order to consider the Application as a modification of consequence. The Application asserted that it met the requirements for a waiver as follows:
 - Good cause - Eagle Academy’s narrow timeframe to obtain zoning approval as it recently lost its current lease in the neighborhood due to the redevelopment of its current site and needs to open in August 2020;
 - No prejudice to any party – the only party, ANC 6D, voted to support the Application subject to a condition that the Applicant accepted; and
 - Not prohibited by law – the Zoning Regulations do not bar the Commission waiving Subtitle Z §§ 703.5 and 703.6. (Ex. 2, 9.)
8. The Applicant submitted a transportation analysis (the “Traffic Study”) that analyzed the impacts of the proposed education use on the Approved Project and concluded that: (Ex. 7.)
 - The proposed education use will not have a detrimental impact on the surrounding roadway network;
 - None of the study area intersections were found to have unacceptable delays and no additional mitigations are warranted;

- The proposed education use is expected to generate a manageable number of trips which can be accommodated by the proposed parking garage for staff and a pick-up/drop-off lane on Water Street, S.W., for parents;
 - The proposed pick-up/drop-off lane on Water Street, S.W., will accommodate students who are driven to and from school within 20 minutes before and after the arrival and dismissal periods; and
 - The Applicant proposed a rigorous Transportation Demand Management plan (the “TDM”) to incentivize Eagle Academy staff, faculty, and parents of students to further reduce the demand of single-occupancy vehicles on-site. (Ex. 7 at 4-5.) The plan includes carpooling matching among parents and public transportation benefits for staff/faculty.
9. The Applicant agreed to adopt DDOT’s conditions in its request for expedited review filed on April 15, 2020. (Ex. 9.)

Responses to the Application

OP

10. OP submitted a report dated March 20, 2020 (the “OP Report”), stating that it:
- Concurred with the Applicant that the Application is typically a modification of significance, but did not object to the Applicant’s request for a waiver to allow the Application to be processed as a modification of consequence;
 - Would recommend that the Application be set down for a public hearing if the Commission denied the waiver and processed the Application as a modification of significance;
 - Noted that the requested education uses are permitted as a matter of right in the CG-5 zone pursuant to Subtitle K § 507.2;
 - Noted that the proposed increase in GFA and FAR was small and less than what existed when the building was originally constructed; and
 - Concluded that no additional zoning relief was required. (Ex. 4.)

DDOT

11. DDOT submitted a March 20, 2020 email (the “DDOT Email”), stating that it had no objection to the Application, subject to two conditions, because the proposed education use would not result in significant impacts to the surrounding transportation network, though it did expect that there would be a moderate increase in vehicle trips on intersections around Buzzard Point. (Ex. 6.) The DDOT Email’s two transportation-related conditions were:
- That the Applicant implement the TDM Plan outlined in its Traffic Study to encourage carpooling and other non-single occupancy vehicle modes of travel; and
 - That the Applicant implement the school pick-up/drop-off plan outlined in the Traffic Study. The Applicant should coordinate with DDOT’s Safe Routes to School Program in the future if the plan needs to be changed.

ANC 6D

12. ANC 6D submitted two responses to the Application as follows:²
- On November 19, 2019, a report stating that the ANC voted to support the Application at its duly noticed November 18, 2019, public meeting at which a quorum was present; and (Ex. 2G.)
 - On April 14, 2020, a report (the “ANC Report”) stating that the ANC voted to reiterate its support for the Application at its duly noticed April 13, 2020, public meeting at which a quorum was present, with its support subject to the condition that Eagle Academy’s lease allow space that is not used for the school to be returned to retail. (Ex. 8.) The ANC Report’s condition addressed the ANC’s concern that if Eagle Academy did not grow its student body as anticipated that the lease would prevent that unused space from being returned to retail use as needed by the neighborhood and as permitted under the Original Order.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of Modifications of Consequence.
4. Subtitle Z § 703.6 includes “a change of use” as an example of a modification of significance, which Subtitle Z § 703.5 requires be considered after a public hearing.
5. Subtitle Z § 101.9 authorizes the Commission, “for good cause shown, [to] waive any of the provisions of this subtitle if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.”
6. The Commission concludes that there is good cause to grant the Application’s requested waiver from Subtitle Z §§ 703.5 and 703.6 because the requested education uses are allowed as a matter of right in the CG-5 zone and the District’s current state of emergency caused by the COVID-19 pandemic³ has suspended the Commission’s public hearings and slowed the permitting processes required to allow Eagle Academy to open by August 2020.

² ANC 6D also filed a March 17, 2020, request to postpone consideration of the case at the public meeting scheduled for April 13, 2020 to the meeting to April 27, 2020, to allow the ANC to consider the Application at its April 13, 2020, scheduled public meeting. (Ex. 5.)

³ The Mayor’s Office declared a state of emergency for the District in response to the COVID-19 Pandemic on March 11, 2020. (Mayor’s Order 2020-045.)

The Commission notes that the circumstances surrounding the Application's waiver request are unique and justify overriding the Commission's reluctance to consider a change of use as a modification of consequence – specifically, Eagle Academy's efforts to find a suitable site in the neighborhood at short notice combined with the delayed approval and permitting process caused by the District's state of emergency in order to meet its opening deadline. The Commission concludes that based on the ANC Report's support of the Application, ANC 6D, the only party to the case other than the Applicant, would not be prejudiced by the granting of the waiver, which is not otherwise prohibited by the Zoning Regulations.

7. The Commission concludes that with the waiver it can consider the Application as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify the conditions and plans approved by the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
8. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6D.
9. The Commission concludes that the Application is consistent with the Approved Project as approved by the Original Order, and as modified by Z.C. Order Nos. 16-06A, 16-06B, and 16-06C, because:
 - The education uses proposed to be added to the approved uses are allowed as matter of right in the CG-5 zone; and
 - DDOT, and the Traffic Study, determined that the education use would not cause significant adverse impacts to the surrounding transportation network, and the Applicant had accepted DDOT's two conditions designed to minimize potential adverse impacts.

“Great Weight” to the Recommendations of OP

10. The Board must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
11. The Commission notes OP's support for considering the Application as a modification of consequence and finds persuasive OP's analysis of the Application, particularly that education uses are permitted as a matter of right in the CG-5 zone and that the building will provide adequate facilities for the proposed education use.

“Great Weight” to the Written Report of the ANC

12. 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.); see 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).)

13. The Commission finds persuasive the ANC Report’s concern that if Eagle Academy is unable to grow as it anticipates and fill all of the space, the unused space would be unable to be used for the retail uses approved by the Original Order and needed by the neighborhood. The Commission therefore specifically authorizes the Applicant, if that situation occurs, to return space not used for educational uses to the uses authorized under the Original Order without requiring an additional approval from the Commission (provided that any resulting design changes would not require Commission approval). While the Commission does not have the authority to adopt the ANC’s condition as part of this order, the Commission notes that the ANC did not specify that the condition had to be part of the Commission’s order and that the Applicant has independently agreed to the ANC’s condition. The Commission otherwise finds the ANC Report’s support for the Application persuasive and concurs in the ANC’s judgement to approve 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 **APPROVES** the Applicant’s request for a modification of consequence to Z.C. Order No. 16-06, as modified by Z.C. Order Nos. 16-06A, 16-06B, and 16-06C, the conditions of which all remain unchanged and in effect except that Condition Nos. 2 and 3 are hereby revised to read as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions in **bold** and underlined text):

2. The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29), as modified by:
- The architectural drawings submitted in the record of Z.C. Case No. 16-06B, dated August 6, 2018; (Ex. 1E)
 - The DDOT-Approved Plan submitted in the record of Z.C. Case No. 16-06C, dated December 3, 2018 (Ex. 2F), incorporating any changes required by the public space permit approving the temporary sidewalk improvements required by Condition No. 4(a) of Z.C. Order No. 16-06 as amended by Z.C. Order No. 16-06C;
 - **The architectural drawings dated August 6, 2018 (Ex. 2F of Z.C. Case No. 16-06D);** and
 - The guidelines, conditions, and standards below.

3.c. The Applicant shall incorporate the following TDM measures for the proposed Eagle Academy Charter School (the “School”):

i. Student TDM Elements:

- a) The School shall offer a parent listserv which will allow parents to find carpool matches;
- b) The School shall organize carpooling and publicly recognize at annual ceremony any parent who regularly drives two or more students to school;
- c) The School shall offer DC One Cards to all students to encourage the use of public transportation;
- d) The School shall require all drop-off and pick-up activities to be within the designated area on Water Street, S.W; and
- e) The School shall coordinate bike safety/education courses for students;

ii. Faculty/Staff TDM Elements:

- a) The School shall offer a transit benefit program in the form of SmarTrip cards to faculty and staff to encourage the use of public transportation;
- b) The School shall encourage carpooling and prioritize providing parking for any faculty or staff who regularly drives two additional faculty or staff members to school;
- c) All faculty and staff who drive to school shall be instructed to park within the parking garage in the designated spaces; and
- d) The School shall offer secure long-term and short-term bicycle parking which meets 2016 Zoning Regulations. Under these requirements, three long-term and 10 short-term spaces are required and will be provided. Short-term spaces shall be provided in the form of a bicycle rack;

iii. School-Wide TDM Elements:

- a) The School shall continue to work with the neighborhood through periodic public meetings to ensure any traffic concerns can be addressed in a timely manner;
- b) The School shall assign a staff member to serve as Transportation Management Coordinator who shall be responsible for oversight of the TDM plan, adherence to driving and parking regulations, and encourage and facilitate car-pooling;
- c) The School shall implement policies for deliveries to the campus to minimize the impact of this traffic on the neighborhood;
- d) The School shall install outdoor bicycle parking racks to promote additional bicycle activity on campus;
- e) The School shall participate in the Safe Routes to School Program; and
- f) Per the previous zoning approval for 1900 Half Street, the Applicant is finalizing an agreement to install a Capital Bikeshare station near the site; and

iv. Pick-Up/Drop-Off Plan: The Applicant shall implement the school pick-up/drop-off plan outlined in the Applicant's Traffic Study (Ex. 7, Fig. 2 and 3)

and coordinate with DDOT's Safe Routes to School Program in the future if the plan needs to be changed.

VOTE (Apr. 27, 2020): 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 Z.C. Order No. 16-06D became final and effective upon the original publication date in the *D.C. Register*; that is, on May 15, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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