

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Resolution 23-418, Coronavirus Support Emergency Declaration Resolution of 2020
- D.C. Council schedules public hearings on the Fiscal Year 2021 Proposed Budget and Financial Plan and the Fiscal Year 2021 Budget Support, Local Budget, and Federal Portion Budget Request Acts of 2020
- Alcoholic Beverage Regulation Administration sets the reimbursement percentage for the Metropolitan Police Department Reimbursable Detail Program
- Department of Housing and Community Development adopts the Elderly and Tenant with a Disability Claim of Exemption from Housing Provider Petition Rent Surcharge Increase Form
- Department of Youth Rehabilitation Services announces funding availability for the Capacity Building for the Community Program Initiative Grant
- The May 29, 2020 District of Columbia Register has two parts. Refer to Volume 67 - No. 23 - Part 2 to review the final rulemaking for the District of Columbia Construction Codes Supplement of 2017

The Mayor of the District of Columbia initiates Phase One of Washington, DC Reopening and outlines applicable standards, lifts the stay-at-home order, and allows certain businesses to reopen effective May 29, 2020 (Mayor's Order 2020-067)

DISTRICT OF COLUMBIA REGISTER

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The May 29, 2020 D.C. Register has two parts. Refer to Volume 67 - No. 23 - Part 2 to review final rulemaking for Title 12 (District of Columbia Construction Codes Supplement of 2017) of the District of Columbia Municipal Regulations.

ENROLLED ORIGINAL

A RESOLUTION

23-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To approve the multiyear option of Contract No. CFOPD-17-C-009 with Paymentech, LLC to provide merchant processing services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CFOPD-17-C-009, Merchant Processing Services Approval Resolution of 2020”.

Sec. 2. Pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the multiyear option of Contract No. CFOPD-17-C-009 for merchant processing services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury for the first option period from May 19, 2020, through May 18, 2022, in the not-to-exceed amount of \$10 million.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit the District of Columbia government from discriminating, in employment, against an individual for participation in a medical marijuana program; and to amend the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to do the same.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Program Patient Employment Protection Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On June 18, 2019, the Council passed the Medical Marijuana Program Patient Employment Protection Emergency Amendment Act of 2019, effective July 8, 2019 (D.C. Act 23-77; 66 DCR 8089) (“emergency act”), which expired on October 6, 2019.

(b) On July 9, 2019, the Council passed the Medical Marijuana Program Patient Employment Protection Temporary Amendment Act of 2019, effective October 4, 2019 (D.C. Law 23-26; 66 DCR 15182) (“temporary act”).

(c) On September 17, 2019, due to a delay in the transmission of the temporary act, the Council passed the Medical Marijuana Program Patient Employment Protection Congressional Review Emergency Amendment Act of 2019 to prevent a gap in the law between the expiration of the emergency act and the anticipated effective date of the temporary act.

(d) The temporary act is set to expire on June 5, 2020, and no permanent legislation is in place because the work on the permanent legislation was interrupted by the COVID-19 pandemic response.

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 Medical Marijuana Program Patient Employment Protection Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency with respect to the need to provide protections to Districts residents and businesses, expand the authority of the Mayor, and ensure continuity of government during the current public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Support Emergency Declaration Resolution of 2020.”

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Order 2020-45, 2020-46, declaring a public emergency and a public health emergency due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19, and on April 17, 2020, Mayor’s Order 2020-63 extending the state of emergency and public health emergency. That order is currently in effect through May 15, 2020. Additional orders extending the emergency are likely to be issued.

(b) The widespread closure of businesses during this public health emergency makes it necessary to provide wage relief for affected employees through the extension of unemployment benefits.

(c) To further aid residents whose employment has been impacted by the public health emergency, it is necessary to clarify eligibility for unemployment insurance, expand the District’s work share program, and align the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 et seq.), with the federal Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 178), with respect to emergency leave requirements.

(d) Due to the impact of closures and reduced operations, it is necessary to provide businesses in the District relief through the creation of a small business grant program.

(e) To aid restaurants while they are unable to provide unrestricted dine-in service, it is necessary to cap the commission fee that third-party food delivery platforms may charge a restaurant to a maximum of 15% of the purchase price on delivery or pick-up orders and to require third-party food delivery platforms to disclose fees to the customer.

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(f) To ensure businesses who do not have the income to file upcoming corporate registration and trade name renewal applications are not penalized, it is necessary to waive late fees for corporate registration filings and tradename renewal applications to provide some relief.

(g) To help District residents who utilize opportunity accounts meet their financial needs, it is necessary to amend the Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), to allow for greater financial flexibility during a public health emergency.

(h) To provide transparency for residents who must bury their loved ones, it is necessary to require the Department of Consumer and Regulatory Affairs, the Board of Funeral Directors, and the Attorney General for the District of Columbia to create a “Funeral Bill of Rights.”

(i) To protect consumers and the public during this public health emergency, it is crucial to prohibit price gouging and the hoarding of supplies, and to increase penalties for unlawful trade practices.

(j) Many District tenants who have been laid off or have had their hours reduced have experienced significant reductions in their earnings, making it imperative to prohibit utility shutoffs or evictions during this public health emergency.

(k) As part of the Sustainable Solid Waste Management Act of 2014, the District established incentives for composting explicitly for residents to engage in residential composting to reduce waste. To continue to promote sustainable waste practices during this public health emergency, it is crucial to allow virtual composting training.

(l) Since many business are unable to operate during this public health emergency, it is necessary to clarify that vacant property designations do not apply to those businesses who have been ordered to close pursuant to an order of the Mayor.

(m) District agencies are operating at reduced capacity due to the public health emergency, creating a need to allow the Mayor to waive deadlines for licenses, registrations, or certifications for businesses and residents.

(n) To ensure tenants are not adversely impacted by the public health emergency, it is necessary to prohibit evictions, direct mortgage providers to establish mortgage relief plans, enable tenants and residents to establish rental payment plans, prohibit increases in rent during the public health emergency, and extend deadlines for tenants and tenant associations to exercise their rights.

(o) To ensure that District residents have an adequate supply of medication to treat medical conditions, it is necessary to allow licensed pharmacists to dispense a refill of a medication prior to the expiration of a waiting period between refills.

(p) Homeless individuals in the District are particularly vulnerable to viruses such as COVID-19, necessitating amendments to the Homeless Services Reform Act of 2005 (D.C. Official Code § 4-751.01 *et seq.*).

(q) To aid the Mayor in addressing the critical needs of District residents during this emergency, there is an immediate need to expand the Mayor's authority under the District of

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Columbia Public Emergency Act of 1980, and to expand the authority of the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(r) Public benefits such as the Healthcare Alliance, Temporary Assistance for Needy Families (known as, TANF) and the Supplemental Nutritional Assistance Program (known as, SNAP) are crucial supports for the health and well-being of many District residents, creating an immediate need to allow the Mayor to extend the expiration of assistance under these programs until after the expiration this public health emergency.

(s) The medical surge projected by the Johns Hopkins model shows that hospitals in the District will need additional capacity, such as increased acute care and ICU beds, to care for patients with COVID-19. To prepare for the medical surge, it is necessary to establish a grant program for District hospitals that can be used to purchase necessary equipment, pay for increased personnel costs, and fund the construction and operation of temporary structures to test or treat patients with COVID-19.

(t) Long-term care facilities in the District have been disproportionately impacted by the spread of COVID-19, with 322 cases and 73 deaths as of May 4, 2020. Given that long-term care facilities house particularly vulnerable populations, it is necessary to require daily reporting of cases to the Department of Health.

(u) As District schools implement distance learning to protect the health and well-being of students, parents, and staff during this public health emergency, it is necessary to amend service requirements for graduation, and requirements for out of school time report waivers and summer school attendance.

(v) Four individuals currently serving on the University of the District of Columbia's Board of Trustees are set to have their terms expire on May 15, 2020. To make sure that the Board can continue operating effectively and not experience quorum issues, it is necessary to amend the terms for certain Board of Trustee members.

(w) As of May 12, 2020, 179 residents in DC jail facilities have tested positive for COVID-19 and one individual has died. Conditions in the facilities have led to lawsuits and ongoing monitoring of Department of Correction practices to keep residents safe. For the Council and the public to have the best possible information on developments occurring within DC jail facilities, it is vital to prescribe reporting requirements.

(x) To protect the health and safety of elderly individuals and individuals who have chronic conditions in the criminal justice system, it is necessary to extend the application of good time credits for certain defendants, and align the use of compassionate release with the federal First Step Act of 2018, approved December 21, 2018 (Pub. L. No. 115-391; 132 Stat. 5194).

(y) For the health and well-being of District residents, the District of Columbia Board of Elections is encouraging voters to request absentee mail-in ballots for the primary election on June 2nd and the special election for Ward 2 on June 16th. To make the process of requesting such a ballot as easy as possible, it is imperative to make changes to the petitioning requirements for ballot access.

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(z) Notarization is required for many critical activities in the District, including real estate transactions, and legal proceedings. So that these activities can continue without interruption, it is crucial to allow remote notarization during a public health emergency.

(aa) Due to the fact that District agencies are operating at reduced capacity during this public health emergency, it is necessary to amend the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.) to allow agencies more time to respond to requests.

(bb) To conduct legislative business during the emergency, the Council requires changes to its rules to allow for remote committee and legislative meetings.

(cc) It is also necessary to allow flexibility to delay transmission of the Fiscal Year 2021 budget currently scheduled for May 12, 2020.

(dd) To ensure continuity of government operations while the public health emergency is in effect, it is necessary to toll certain matters transmitted to the Council, and to confirm appointments and reappointments of Mayoral nominees for specific agencies, boards, committees, and commissions.

(ee) Advisory Neighborhood Commissions (“ANCs”) are a vital component of District government, providing advice and insight on critical matters such as planning, social service programs, and public safety in their neighborhoods. To enable ANCs to better respond to the needs of their neighborhoods during this public health emergency, it is necessary to amend petition requirements for ANC candidates, allow for remote ANC meetings, and expand the grantmaking authority of ANCs.

(ff) Due to the adverse impacts of this public health emergency on businesses and employees, the District is expected to lose \$721 million in revenue in Fiscal Year 2020 alone. To ensure that the District has the cash on-hand to meet its budgetary obligations, it is necessary to allow the Chief Financial Officer to engage in short-term borrowing through the issuance of general obligation notes and tax revenue anticipation notes.

(gg) To make certain that several nonprofit development projects can move forward during the public health emergency, it is necessary to authorize the issuance of industrial revenue bonds for these projects.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

23-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$17 million of District of Columbia revenue bonds in one or more series and for the loan of the proceeds of the bonds to assist Andres Corporation 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 “Survivors and Advocates for Empowerment – DC SAFE Revenue Bonds Project Emergency Declaration Resolution of 2020”.

Sec. 2. The Council finds that:

(1) The Andres Corporation (a subsidiary of DC SAFE) is a nonprofit corporation organized and existing under the laws of the District of Columbia (“Borrower”) that seeks to have District of Columbia revenue bonds issued and receive a loan of the proceeds from the sale of the bonds for the financing, refinancing, or reimbursing of all or a portion of the Borrower’s costs of:

(A) The refinancing of certain indebtedness, the proceeds of which were used to acquire, finance or refinance the costs of acquiring, constructing, rehabilitating, and equipping the Borrower’s facility located at 101 Q Street, N.E., Washington, D.C. 20002 (Lot 0025, Square 3518), together with all equipment, furnishings, and other property, real and personal, functionally related and subordinate thereto;

(B) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund; and

(C) Paying Issuance Costs and other related costs to the extent permissible. (“Project”).

(2) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the Project.

(3) The United States and the District of Columbia are experiencing a pandemic related to COVID-19. The disruption COVID-19 has had on society and the financial markets has caused interest rates to drop to a position favorable to the Borrower. To ensure that the

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Borrower is able to benefit from these lower interest rates and be in a better financial position, the District of Columbia needs to issue the revenue bonds as soon as possible.

(4) Council approval of the emergency bond resolution authorizing the issuance of up to \$17 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Borrower and enable the Project to be completed.

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 Survivors and Advocates for Empowerment – DC SAFE 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

23-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$17 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 Andres Corporation, 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 “Survivors and Advocates for Empowerment – DC SAFE 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 of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Andres Corporation, a District of Columbia nonprofit corporation that will be exempt from federal taxation under 26 U.S.C. § 501(a), as it is in the process of applying for its exemption under 26 U.S.C. § 501(c)(3) and shall receive a determination letter before closing on the Bonds from the Internal Revenue Service stating that it is 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, 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, refinancing, or reimbursement 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, 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 the Borrower for all or a portion of the Borrower's costs incurred in connection with:

(A) The refinancing of certain indebtedness, the proceeds of which were used to acquire, finance, or refinance the costs of acquiring, constructing, rehabilitating, and equipping the Borrower's facility located at 101 Q Street, N.E., Washington, D.C. 20002 (Lot 0025, Square 3518), together with all equipment, furnishings, and other property, real and personal, functionally related and subordinate thereto;

(B) The funding of any credit enhancement costs, liquidity costs, and debt service reserve fund relating to the Bonds; and

(C) The funding of certain 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 costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans

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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 \$17 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 commercial development 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 \$17 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 and each Authorized Delegate 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;

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- (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, if any, 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.

(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.

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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 to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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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

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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, or 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

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

Sect. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

23-421

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$7.5 million of District of Columbia revenue bonds in one or more series, and for the loan of the proceeds of the bonds to assist the Meridian 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 “Meridian Public Charter School Revenue Bonds Project Emergency Declaration Resolution of 2020”.

Sec. 2. The Council finds that emergency legislation is necessary due to the COVID-19 pandemic emergency to ensure that Meridian Public Charter School can timely enter the bond market to make available funds critically needed to finance, refinance, or reimburse Meridian Public Charter School 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 Meridian 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

23-422

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$7.5 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 Meridian 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 "Meridian 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 Meridian 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 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) Refinancing of certain existing indebtedness, the proceeds of which were used to finance or refinance the costs of the acquisition of a leasehold interest in an approximately 42,000 square foot facility used primarily as a public charter school campus located at 770 Kenyon Street, N.W., Washington, D.C., 20010 ("Facility");

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

(C) Paying capitalized interest and working capital, if deemed necessary in connection with the sale of the Bonds; and

(D) 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

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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 \$7.5 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 \$7.5 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, 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;

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(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.

(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.

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(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.

(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

ENROLLED ORIGINAL

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 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, or 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.

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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.

(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.

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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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

23-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$37 million of District of Columbia revenue bonds in one or more series, and for the loan of the proceeds of the bonds to assist the Latin American Montessori 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 “Latin American Montessori Bilingual Public Charter School Revenue Bonds Project Emergency Declaration Resolution of 2020”.

Sec. 2. The Council finds that emergency legislation is necessary due to the COVID-19 pandemic emergency to ensure that Latin American Montessori Bilingual Public Charter School can timely enter the bond market to make available funds critically needed to finance, refinance, or reimburse the Latin American Montessori Bilingual Public Charter School 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 Latin American Montessori 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

23-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$37 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 Latin American Montessori 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 "Latin American Montessori 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 Latin American Montessori 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 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 acquisition, construction, and renovation of an approximately 73,000 square foot public charter school facility located 5000 14th Street, N.W., Washington, D.C. ("Facility"), and associated parking facilities;

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

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

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

(E) 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

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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 \$37 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 \$37 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, 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;

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(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.

(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.

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(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.

(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

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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 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, or 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.

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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.

(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.

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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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to provide protections to District residents and businesses, expand the authority of the Mayor, and ensure continuity of government during the current public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Support Congressional Review Emergency Declaration Resolution of 2020.”

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Order 2020-45, 2020-46, declaring a public emergency and a public health emergency due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19, and on April 17, 2020, Mayor’s Order 2020-63 extending the state of emergency and public health emergency. That order is currently in effect through May 15, 2020. Additional orders extending the emergency are likely to be issued.

(b) The widespread closure of businesses during this public health emergency makes it necessary to provide wage relief for affected employees through the extension of unemployment benefits.

(c) To further aid residents whose employment has been impacted by the public health emergency, it is necessary to clarify eligibility for unemployment insurance, expand the District’s work share program, and align the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*), with the federal Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 178), with respect to emergency leave requirements.

(d) Due to the impact of closures and reduced operations, it is necessary to provide businesses in the District relief through the creation of a small business grant program.

(e) To aid restaurants while they are unable to provide unrestricted dine-in service, it is necessary to cap the commission fee that third-party food delivery platforms may charge a restaurant to a maximum of 15% of the purchase price on delivery or pick-up orders and to require third-party food delivery platforms to disclose fees to the customer.

(f) To ensure businesses who do not have the income to file upcoming corporate registration and trade name renewal applications are not penalized, it is necessary to waive late fees for corporate registration filings and tradename renewal applications to provide some relief.

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(g) To help District residents who utilize opportunity accounts meet their financial needs, it is necessary to amend the Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), to allow for greater financial flexibility during a public health emergency.

(h) To provide transparency for residents who must bury their loved ones, it is necessary to require the Department of Consumer and Regulatory Affairs, the Board of Funeral Directors, and the Attorney General for the District of Columbia to create a “Funeral Bill of Rights.”

(i) To protect consumers and the public during this public health emergency, it is crucial to prohibit price gouging and the hoarding of supplies, and to increase penalties for unlawful trade practices.

(j) Many District tenants who have been laid off or have had their hours reduced have experienced significant reductions in their earnings, making it imperative to prohibit utility shutoffs or evictions during this public health emergency.

(k) As part of the Sustainable Solid Waste Management Act of 2014, the District established incentives for composting explicitly for residents to engage in residential composting to reduce waste. To continue to promote sustainable waste practices during this public health emergency, it is crucial to allow virtual composting training.

(l) Since many business are unable to operate during this public health emergency, it is necessary to clarify that vacant property designations do not apply to those businesses who have been ordered to close pursuant to an order of the Mayor.

(m) District agencies are operating at reduced capacity due to the public health emergency, creating a need to allow the Mayor to waive deadlines for licenses, registrations, or certifications for businesses and residents.

(n) To ensure tenants are not adversely impacted by the public health emergency, it is necessary to prohibit evictions, direct mortgage providers to establish mortgage relief plans, enable tenants and residents to establish rental payment plans, prohibit increases in rent during the public health emergency, and extend deadlines for tenants and tenant associations to exercise their rights.

(o) To ensure that District residents have an adequate supply of medication to treat medical conditions, it is necessary to allow licensed pharmacists to dispense a refill of a medication prior to the expiration of a waiting period between refills.

(p) Homeless individuals in the District are particularly vulnerable to viruses such as COVID-19, necessitating amendments to the Homeless Services Reform Act of 2005 (D.C. Official Code § 4-751.01 *et seq.*).

(q) To aid the Mayor in addressing the critical needs of District residents during this emergency, there is an immediate need to expand the Mayor's authority under the District of Columbia Public Emergency Act of 1980, and to expand the authority of the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(r) Public benefits such as the Healthcare Alliance, Temporary Assistance for Needy Families (known as TANF) and the Supplemental Nutritional Assistance Program (known as

ENROLLED ORIGINAL

SNAP) are crucial supports for the health and well-being of many District residents, creating an immediate need to allow the Mayor to extend the expiration of assistance under these programs until after the expiration this public health emergency.

(s) The medical surge projected by the Johns Hopkins model shows that hospitals in the District will need additional capacity, such as increased acute care and ICU beds, to care for patients with COVID-19. To prepare for the medical surge, it is necessary to establish a grant program for District hospitals that can be used to purchase necessary equipment, pay for increased personnel costs, and fund the construction and operation of temporary structures to test or treat patients with COVID-19.

(t) Long-term care facilities in the District have been disproportionately impacted by the spread of COVID-19, with 322 cases and 73 deaths as of May 4, 2020. Given that long-term care facilities house particularly vulnerable populations, it is necessary to require daily reporting of cases to the Department of Health.

(u) As District schools implement distance learning to protect the health and well-being of students, parents, and staff during this public health emergency, it is necessary to amend service requirements for graduation and requirements for out of school time report waivers and summer school attendance.

(v) Four individuals currently serving on the University of the District of Columbia's Board of Trustees are set to have their terms expire on May 15, 2020. To make sure that the Board can continue operating effectively and not experience quorum issues, it is necessary to amend the terms for certain Board of Trustee members.

(w) As of May 12, 2020, 179 residents in DC jail facilities have tested positive for COVID-19 and one individual has died. Conditions in the facilities have led to lawsuits and ongoing monitoring of Department of Correction practices to keep residents safe. For the Council and the public to have the best possible information on developments occurring within DC jail facilities, it is vital to prescribe reporting requirements.

(x) To protect the health and safety of elderly individuals and individuals who have chronic conditions in the criminal justice system, it is necessary to extend the application of good time credits for certain defendants, and align the use of compassionate release with the federal First Step Act of 2018, approved December 21, 2018 (Pub. L. No. 115-391; 132 Stat. 5194).

(y) For the health and well-being of District residents, the District of Columbia Board of Elections is encouraging voters to request absentee mail-in ballots for the primary election on June 2nd and the special election for Ward 2 on June 16th. To make the process of requesting such a ballot as easy as possible, it is imperative to make changes to the petitioning requirements for ballot access.

(z) Notarization is required for many critical activities in the District, including real estate transactions and legal proceedings. So that these activities can continue without interruption, it is crucial to allow remote notarization during a public health emergency.

(aa) Due to the fact that District agencies are operating at reduced capacity during this public health emergency, it is necessary to amend the Freedom of Information Act of 1976,

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effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.) to allow agencies more time to respond to requests.

(bb) To conduct legislative business during the emergency, the Council requires changes to its rules to allow for remote committee and legislative meetings.

(cc) It is also necessary to allow flexibility to delay transmission of the Fiscal Year 2021 budget currently scheduled for May 12, 2020.

(dd) To ensure continuity of government operations while the public health emergency is in effect, it is necessary to toll certain matters transmitted to the Council, and to confirm appointments and reappointments of Mayoral nominees for specific agencies, boards, committees, and commissions.

(ee) Advisory Neighborhood Commissions (“ANCs”) are a vital component of District government, providing advice and insight on critical matters, such as planning, social service programs, and public safety in their neighborhoods. To enable ANCs to better respond to the needs of their neighborhoods during this public health emergency, it is necessary to amend petition requirements for ANC candidates, allow for remote ANC meetings, and expand the grantmaking authority of ANCs.

(ff) Due to the adverse impacts of this public health emergency on businesses and employees, the District is expected to lose \$721 million in revenue in Fiscal Year 2020 alone. To ensure that the District has the cash on-hand to meet its budgetary obligations, it is necessary to allow the Chief Financial Officer to engage in short-term borrowing through the issuance of general obligation notes and tax revenue anticipation notes.

(gg) To make certain that several nonprofit development projects can move forward during the public health emergency, it is necessary to authorize the issuance of industrial revenue bonds for these projects.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

B23-0760 Fiscal Year 2021 Budget Support Act of 2020

Intro. 05-18-2020 by Chairman Mendelson and referred to the Retained by the Council

B23-0761 Fiscal Year 2021 Local Budget Act of 2020

Intro. 05-18-2020 by Chairman Mendelson and referred to the Committee of the Whole

B23-0762 Fiscal Year 2021 Federal Portion Budget Request Act of 2020

Intro. 05-18-2020 by Chairman Mendelson and referred to the Committee of the Whole

**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**

5/27/2020

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	5/22/2020	5/27/2020	Committee on Recreation & Youth Affairs (DYRS) - Government Witnesses; Time: 9:00 a.m. - Noon
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.
6/15/2020	5/29/2020	5/27/2020	Committee on Recreation & Youth Affairs (DPR) - Government Witnesses; Time: 3:00 p.m. - 6:00 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 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 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 RECREATION & YOUTH AFFAIRS **Chairperson Trayon White, Jr.**

TUESDAY, JUNE 9, 2020; via Virtual Meeting Platform	
Time	Agency
9:00 a.m. - Noon	Department of Youth Rehabilitation Services
	Commission on Fathers, Men and Boys

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**

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)
9:00 a.m - Noon	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)
Noon - 3:00 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 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 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

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

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

TIME AND PLACE: **Thursday, July 16, 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:

Z.C. Case No. 17-25A (950 SOUTH CAPITOL OWNER LLC – Design Review Modification of Significance @ Square 697N, Lots 804 and 7000 [950 S. Capitol Street, S.E.])

THIS CASE IS OF INTEREST TO ANC 6D

On March 6, 2020, the Office of Zoning received an application from 950 SOUTH CAPITOL OWNER LLC (the “Applicant”) requesting review and approval of a Modification of Significance to a project previously approved in Z.C. Order No. 17-25 pursuant to the M and South Capitol Streets Sub-Area Design Review provisions of Subtitle I § 616 of the Zoning Regulations and the design review standards of Subtitle I, Chapter 7.

The subject property is located at 950 South Capitol Street, S.E. (Lots 804 and 7000 (part of Record Lot 75) in Square 697N) (the “Property”). The Property is located on the west side of Record Lot 75 with frontage on I Street, K Street, and South Capitol Street, S.E. The Property is zoned D-5.

Pursuant to Z.C. Order No. 17-25, the Zoning Commission approved a design review application to develop the Property with the second phase of a two phased mixed-use project located on Record Lot 75. The Property was approved to be developed with approximately 300 residential units and ground floor residential amenity space that could be converted to retail use in the future (the “Project”). The Project included one mechanical penthouse and one penthouse containing amenity space for building residents.

The subject application requests a modification to the approved Project to permit “nightclub, bar, cocktail lounge, and/or restaurant” uses in a portion of the approved residential penthouse at the Project. The proposed uses are permitted as a special exception in penthouses pursuant to Subtitle C § 1500.3(c) and are permitted of a matter-of-right in the underlying D-5 zone. Modifications to the exterior massing, materials, and design of the penthouse are not being proposed. The proposed use would be available for building residents and their guests only.

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

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. 2, *How to participate as a witness – written statements.*)

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

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

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

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

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

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

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

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

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

TIME AND PLACE: **Thursday, July 9, 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. 19-19 (Terrace Manor Redevelopment LP – Consolidated Review and Approval
of Planned Unit Development @ Square 5894, Lot 63 [3301 23rd Street, S.E.]**

THIS CASE IS OF INTEREST TO ANC 8E and ANC 8E03

Terrace Manor Redevelopment LP (the “Applicant”) filed an application (the “Application”) on September 26, 2019, 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 for the District of Columbia (the “Commission”) approval of a consolidated planned unit development (“PUD”) for Lot 28 in Square 5894, with an address of 3301 23rd Street, S.E (the “Property”).

The Property, including approximately 100,265 square feet of land area, is located at the northwest corner of Savannah and 23rd Streets, S.E. in the RA-1 zone. The Property is currently improved with a vacant apartment complex consisting of 12 garden apartment buildings with a total of 61 dwelling units. The RA-1 zone

The General Policy Map of the Comprehensive Plan (the “CP”) designates the Property in a Neighborhood Conservation Area, which applies to primarily residential neighborhoods with very little vacant or underutilized land. New development should be designed to be compatible with the existing scale and architectural character with density guided by the CP’s Future Land Use Map (the “FLUM”). The FLUM designates the Property for Moderate Density Residential, which applies to neighborhoods with rowhouse, low-rise garden apartment complexes, and a mix of single-family houses, and 2-4 unit buildings. The CP specifically identifies the current RA-1 zone as appropriate for the Moderate Density Residential designation.

The Application proposes to demolish the existing buildings and redevelop the property with a single four (4)-story apartment building of approximately 127,400 square feet of gross Floor area with approximately 130 dwelling units and approximately 52 parking spaces. The proposed building will have a floor area ratio (“FAR”) of approximately 1.29 FAR, a height of approximately 47 feet, seven (7) inches, and a lot occupancy of approximately 31.6%. The Application does not request any development flexibility beyond the greater height and density allowed for a PUD – specifically 60 feet/4 stories of height compared to the 40 feet/3 stories allowed in the RA-1 zone; and 1.296 FAR for Inclusionary Zoning (“IZ”) developments compared

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.*)

to the 0.9 FAR maximum (1.08 for IZ developments). The Application proposes several public benefits, including the goal of achieving LEED Gold, doubling the number of housing units, and making all units affordable for households earning no more than 60% of the Median Family Income for the 40-year period of the Low-Income Housing Tax Credit financing, after which point the building will be subject to the IZ requirements.

The Applicant submitted a supplemental statement and materials in support of the application on December 17, 2019.

The Office of Planning filed a January 31, 2020, report (the “OP Setdown Report”) in support of setting down the Application for a public hearing, The OP Setdown Report concluded that the Application is not inconsistent with the CP and that the proposed public benefits are commensurate with the relatively small additional density and height requested as development incentives.

The Commission voted to setdown the Application for a public hearing on February 10, 2020.

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 G. MAY, PETER 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 ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
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. 19-24 (Children’s National at Walter Reed, LLC - Text Amendment to Subtitle K, Chapter 9 to Create New WR-9 and WR-10 Zones)

THIS CASE IS OF INTEREST TO ANC 4A

On October 28, 2019, Children’s National at Walter Reed, LLC filed a report that served as a petition (Petition) requesting the Zoning Commission (Commission) approve a proposed text amendment (Text Amendment) to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, (Zoning Regulations) to which all references are made unless otherwise specified) to create new Walter Reed (WR) zones WR-9 and WR-10. The Petition initially included a request that the Commission approve a proposed amendment of the Zoning Map for Lots 820-828 in Square 2950, approximately 11.86 acres of the former Walter Reed Army Medical Center Campus (Property), from the current R-1-B zone to the WR-9 and WR-10 zones proposed in the Text Amendment.

The proposed WR-9 zone 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%.

The proposed WR-10 zone 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.

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 Text Amendment specifically proposes to make the following revisions to Chapter 9, Walter Reed Zones – WR-1 through WR-8, of Subtitle K, Special Purpose Zones:

Revise current

Title of Chapter 9 and § 900 – change to include the proposed WR-9 and WR-10 zones

§§ 909 through 921 – renumber as new §§ 911 through 923 and correct references and text

Add new

§ 909 - development standards for the proposed WR-9 zone

§ 910 - development standards for the proposed WR-10 zone

§ 913.6 – uses permitted in the proposed WR-9 and WR-10 zones

§§ 917.4 and 917.5 – parking limits in the proposed WR-9 and WR-10 zones

On November 8, 2019, the Office of Planning submitted a report (OP Setdown Report) in support of setting down the text amendment for a public hearing. The OP Setdown Report concluded that the proposed text 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 Petition's Text Amendment and Map Amendment 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 Text Amendment will take place on the same date as, and immediately before, the public hearing for the Map Amendment.

The Zoning Commission will conduct the public hearing for the Text Amendment in accordance with the rulemaking case provisions of the Zoning Commission's Rules of Practice and Procedure - Subtitle Z, Chapter 5.

The complete record in the case, including the OP Setdown Report and transcript of the November 18, 2019, public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations 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 K, SPECIAL PURPOSE ZONES

The title of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended as follows:

CHAPTER 9 WALTER REED ZONES – WR-1 THROUGH ~~WR-8~~ WR-10

Section 900, GENERAL PROVISIONS AND PURPOSE AND INTENT (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended as follows:

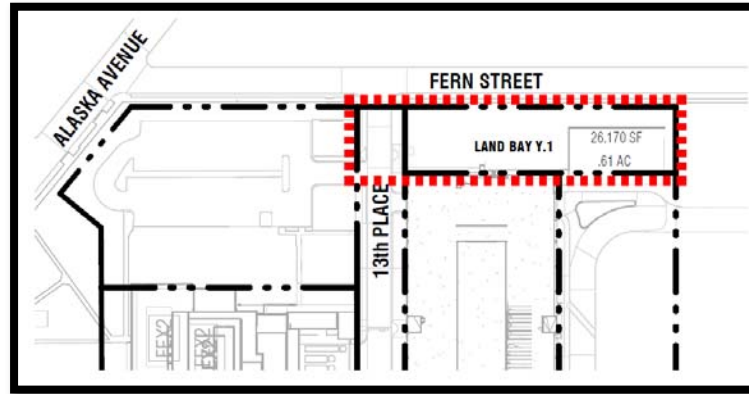
- 900.1 The purposes of the Walter Reed (WR) zones (WR-1 through ~~WR-8~~ W-10) are ...³
- 900.2 ~~This chapter shall constitute the Zoning Regulations for the geographic area described by the plat attached to Z.C. Order No. 14-22.~~ Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.
- 900.3 The WR ~~zone is divided into~~ zones include the WR-1 through the ~~WR-8~~ WR-10 zones. Each zone may have one (1) or more sub-areas, as identified in the Development Standards table for each zone. Each sub-area may be comprised of one (1) or more Land Bays.
- 900.4 Land Bays are ~~defined on the plats attached to Z.C. Orders No. 14-22 and also~~ shown, for reference only, in the boundary maps of this chapter for each zone.
- 900.5 Any reference to a street refers to either existing or proposed streets as depicted ~~on the plats attached to Z.C. Order No. 14-22~~ in the boundary maps of this chapter for each zone.

A new § 909 is proposed to be added to Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, with the current § 909 renumbered as § 911 (as detailed below), to read as follows:

909 WR-9 ZONE

³ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

FIGURE K § 909: ILLUSTRATION OF BOUNDARIES OF THE WR-9 ZONE



909.1 **The WR-9 zone 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.**

909.2 **The development standards for the WR-9 zone are set forth in the following table:**

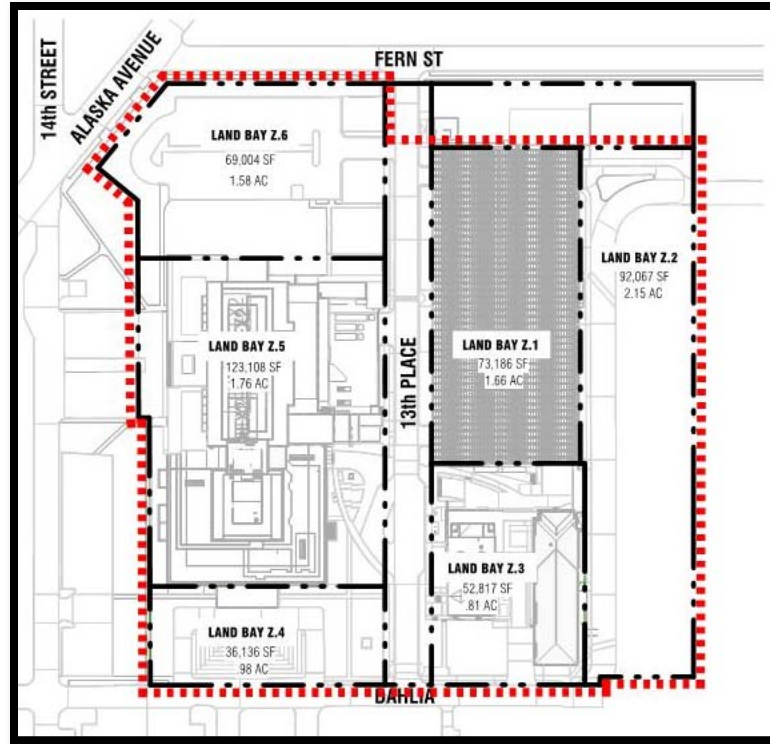
TABLE K § 909.2: WR-9 DEVELOPMENT STANDARDS

<u>Sub-Area</u>	<u>Building Height (maximum)</u>	<u>Stories (maximum)</u>	<u>Lot Occupancy (maximum)</u>	<u>Pervious Surface (minimum)</u>	<u>Side Yard (minimum)</u>	<u>Rear Yard (minimum)</u>
<u>Land Bay Y.1</u>	<u>45 ft.</u>	<u>4</u>	<u>70%</u>	<u>10%</u>	<u>None required; 4 ft. if provided</u>	<u>None required</u>

A new § 910 is proposed to be added to Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, with the current § 910 renumbered as § 912 (as detailed below), as follows:

910 WR-10 ZONE

FIGURE K § 910: ILLUSTRATION OF BOUNDARIES OF THE WR-10 ZONE



910.1 The WR-10 zone is intended to:

- (a) 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
- (b) Encourage adaptive reuse of existing buildings to support medical research uses.

910.2 The development standards for the WR-10 zone are set forth in the following table:

TABLE K § 910.2: WR-10 DEVELOPMENT STANDARDS

<u>Sub-Area</u>	<u>FAR</u>	<u>Building Height (maximum)</u>	<u>Lot Occupancy (maximum)</u>	<u>Side Yard (minimum)</u>	<u>Rear Yard (minimum)</u>
<u>Land Bay Z.1</u>	<u>4.5</u>	<u>60 ft.</u>	<u>100%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.2</u>	<u>4.5</u>	<u>90 ft.</u>	<u>75%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.3</u>	<u>2.0</u>	<u>65 ft.</u>	<u>75%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.4</u>	<u>6.0</u>	<u>110 ft.</u>	<u>100%</u>	<u>None required</u>	<u>None required</u>

<u>Land Bay Z.5</u>	<u>4.5</u>	<u>110 ft.</u>	<u>75%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.6</u>	<u>2.5</u>	<u>85 ft</u>	<u>60%</u>	<u>None required</u>	<u>None required</u>

910.3 In Land Bay Z.2, no building or portion of a building shall be constructed above grade within one hundred fifty feet (150 ft.) of the street lot lines abutting Dahlia Street.

910.4 In Land Bay Z.6, no building or portion of a building shall be constructed above grade within eighty feet (80 ft.) of the street lot lines abutting Fern Street.

Current § 909, HEIGHT, of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 911 and amended to correct references, to read as follows:

~~909~~ 911 HEIGHT AND PENTHOUSE (WR)

~~909.1~~ 911.1 In the WR zone, the point chosen for measurement of height shall conform to the other provisions of this title, except that the point may be on either a public or private street.

~~909.2~~ 911.2 For the purposes of applying general zoning requirements of this title:

- (a) The WR-1, WR-7, and WR-8 zones shall be considered Residence zones; and
- (b) The WR-2, WR-3, WR-4, WR-5, ~~and~~ WR-6, WR-9, and WR-10 zones shall be considered Mixed Use or Commercial Zones.

~~909.3~~ 911.3 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle C § ~~909.4~~ 911.4.

~~909.4~~ 911.4 A penthouse constructed in accordance with the provisions of Subtitle C, Chapter 15, may be erected to a height in excess of that permitted, but shall not exceed the height, as measured from the surface of the roof upon which the penthouse sits, in the following table:

TABLE K § ~~909.4~~ 911.4: TABLE OF PENTHOUSE STANDARDS

ZONE DISTRICT	Maximum Penthouse Height	Maximum Penthouse Stories
WR-1, WR-6	Pursuant to Subtitle C § 1500.4	Pursuant to Subtitle C § 1500.4
WR-4, WR-5, WR-7, <u>WR-9</u>	12 feet; except 15 feet for penthouse mechanical space	1 story; second story permitted for penthouse mechanical space

WR-8	12 feet; except 18 feet, 6 inches for penthouse mechanical space	1 story; second story permitted for penthouse mechanical space
WR-3	20 feet	1 story; second story permitted for penthouse mechanical space
WR-2, <u>WR-10</u>	20 feet	1 story plus mezzanine; second story permitted for penthouse mechanical space

Current § 910, STREETSCAPE STANDARDS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 912, to read as follows:

910 912 STREETSCAPE STANDARDS (WR)

910 912.1 In all WR zones, all buildings are subject to the following design requirements ...

Current § 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 913 and amended by adding a new § 913.6 and correcting references, to read as follows:

911 913 USE PERMISSIONS (WR)

911.1 913.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

- (a) Agriculture ...
- (b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;
- (c) Arts, design, and creation subject to the conditions of Subtitle K § ~~912.3~~ 914.3;
...
- (f) Daytime care subject to the conditions of Subtitle K § ~~912.5~~ 914.5;
- (g) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;
...
- (h) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;
...
- (l) Retail subject to the conditions of Subtitle K § ~~912.10~~ 914.9;
...

~~911.2~~ 913.2 The uses in this section shall be permitted as a matter-of-right in the WR-2, WR-3, WR-4 and WR-5 zones, subject to any applicable conditions:

- (a) Agriculture ...
- (b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;
...
- (g) Eating and drinking establishments subject to the conditions of Subtitle K § ~~912.7~~ 914.6;
...
- (k) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;
...
- (s) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;
...
- (x) Service, general subject to the conditions of Subtitle K § ~~912.11~~ 914.10; and
...

~~911.3~~ 913.3 The uses in this section shall be permitted as a matter-of-right in the WR-6 zone, subject to ...

~~911.4~~ 913.4 The uses in this section shall be permitted as a matter of right in the WR-7 zone, subject to any applicable conditions:

- (a) Agriculture ...
- (b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;
...
- (g) Education, college/university subject to the conditions of Subtitle K § ~~912.8~~ 914.7;
- (h) Education, private, subject to the conditions of Subtitle K § ~~912.8~~ 914.7;
- (i) Education, public, subject to the conditions of Subtitle K § ~~912.8~~ 914.7;
- (j) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;
...
- (o) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;
...

(f) Retail subject to the conditions of Subtitle K § ~~912.10~~ 914.9; and
...

~~911.5~~ 913.5 The uses in this section shall be permitted as a matter of right in the WR-8 zone, subject to any applicable conditions:

(a) Agriculture ...

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;

(c) Arts, design, and creation subject to the conditions of Subtitle K § ~~912.3~~ 914.3;
...

(g) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;
...

(k) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;
...

(n) Retail subject to the conditions of Subtitle K § ~~912.10~~ 914.9; and
...

913.6 The uses in this section shall be permitted as a matter of right in the WR-9 and WR-10 zones, subject to any applicable conditions:

(a) Daytime Care;

(b) Office;

(c) Medical Care;

(d) Institutional, General; and

(d) Lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children’s National at Walter Reed including, but not limited to, patient families, visiting researchers, and medical professionals.

~~911.6~~ 913.7 For the purposes of the WR zone ...

~~911.7~~ 913.8 A home occupation use, including a business, profession ...

Current § 912, CONDITIONAL USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be

renumbered as new § 914 and amended by deleting § 912.6 and renumbering the following subsections, and by correcting references, to read as follows:

912.914 CONDITIONAL USES (WR)

912.1 914.1 The following conditions shall apply as required in Subtitle K § ~~911~~ **913**.

912.2 914.2 Antennas shall be permitted ...

912.3 914.3 An arts, design, and creation use shall be permitted ...

912.4 914.4 An emergency shelter for one (1) to four (4) persons, **not including resident supervisors or staff and their families**, shall be a matter-of-right use. ~~An emergency shelter for more than four (4) persons may be permitted as a special exception pursuant to Subtitle K § 913.6.~~

912.5 914.5 In the WR-1 zone, daytime care uses shall be permitted ...

912.6 ~~[DELETED]~~

912.7 914.6 All eating and drinking establishment uses shall be permitted as a matter of right except that:

(a) A drive-through shall not be permitted; and

(b) Fast food establishments and a fast food establishment that meets the definition of a food delivery services may be permitted by special exception pursuant to Subtitle K § ~~913.2(e)~~ **915.2(d)** and if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.

912.8 914.7 Education (public, private, college/university) uses shall ...

912.9 914.8 Parking shall be permitted as a matter of right provided that all off-street parking is provided in compliance with the provisions of Subtitle K § ~~915~~ **917**;

912.10 914.9 A sale in the nature of a yard ...

912.11 914.10 Service, general uses shall be ...

Current § 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 915 and amended to correct references, to read as follows:

913 915 SPECIAL EXCEPTION USES (WR)

913.1 915.1 The **following** uses ~~in this section~~ shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Community-based institutional facilities (CBIF) ...
- (b) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ **913.1(e)**, subject to the following ...

913.2 915.2 The following uses shall be permitted in the WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Animal sales, care, and boarding shall be ...
- (b) Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(a)~~ **915.1(a)**;
- (c) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ **913.1(e)**, subject to ...
- (e) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(b)~~ **915.1(c)**; and

913.3 915.3 The following uses shall be permitted in the WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ **913.1(e)**, subject to the following:
 - (1) Provision of a landscaped area ...
 - (2) The **Office of Zoning shall refer the** Application, including the landscape plan, ~~shall be referred~~ to the District Department of Energy and Environment for review and ~~report~~; **recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211; and**
- ~~(b) Daytime care uses not meeting the conditions of Subtitle K § 912.6 shall be permitted by special exception, subject to the following conditions:~~

~~(1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and~~

~~(2) Any off-site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility; and~~

~~(e)~~ **(b)** Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(e)~~ **915.1(c)**.

Section 914, PROHIBITED USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended by renumbering it as new § 916 and by correcting references, to read as follows:

914 916 PROHIBITED USES (WR)

~~914.1~~ **916.1** The following uses are prohibited in the WR zone as either a principal or accessory ~~uses~~ **use**:

- (a) Drive-through or drive-in ...
- (b) Any establishment that has as its principal use ...
- (c) Self-service storage establishment that provides ...

~~914.2~~ **916.2** Any use not otherwise permitted by Subtitle K §§ ~~911, 912, or 913, 914, or 915,~~ or permitted as an accessory or home occupation in this chapter shall not be permitted.

Current § 915, VEHICLE PARKING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 917 and amended by adding new §§ 917.4 and 917.5 and renumbering the existing subsections and by correcting references, to read as follows:

915 917 VEHICLE PARKING (WR)

~~915.1~~ **917.1** Except as noted in this section, the provisions and requirements of Subtitle C, Chapter 7, Vehicle Parking, shall not apply, and the following provisions of this section shall apply.

~~915.2~~ **917.2** ~~The~~ **In the WR-1 through WR-8 zones, the** cumulative total of all automobile parking spaces, including below-grade surface, and above-grade structured

parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

~~915.3~~ 917.3 Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-1 through WR-8 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § ~~915.2~~ 917.2.

917.4 In the WR-9 and WR-10 zones, the cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of one thousand six hundred (1,600) parking spaces.

917.5 Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-9 or WR-10 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.4.

~~915.4~~ 917.6 Parallel parking spaces on a private street shall not count toward the limits of Subtitle K §§ ~~915.2~~ 917.2 and 917.4, provided they are open to use by the public and not reserved for a particular or private use.

~~915.5~~ 917.7 Parking spaces dedicated for use by a car-sharing service or dedicated for the charging of electric vehicles shall not count toward the limits of Subtitle K §§ ~~915.2~~ 917.2 and 917.4.

~~915.6~~ 917.8 Additional parking spaces beyond the limits of Subtitle K §§ ~~915.2~~ 917.2 or 917.4, as applicable, shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and provided that the applicant addresses compliance with the following standards:

- (a) The application shall include:
 - (1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K §§ ~~915.2~~ 917.2 and 917.4, as applicable;
 - (2) A traffic study assessing ...
- (b) Vehicular access and egress ...

~~915.7~~ 917.9 For any application pursuant to Subtitle K § ~~915.5~~ 917.8:

- (a) The Board of Zoning Adjustment shall ...
- (b) The Board of Zoning Adjustment may impose requirements pertaining to

design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the **individual** WR zones.

915.8 917.10 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR zones.

915.9 917.11 Parking spaces may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one (1) use shall be subject to the following conditions:

(a) The parking space and the uses shall all be within the WR zones;

...

(c) A written agreement assigning the parking space to each use, stating compliance with Subtitle K § ~~915.9(b)~~ **917.11(b)**, shall be signed by the owner of the parking space and the owner of each use requiring the parking space;

...

915.10 917.12 Parking spaces shall not be located ...

915.11 917.13 ~~Parking spaces within~~ An above-grade structure **constructed or renovated to provide parking after September 4, 2015, when this chapter was adopted**, shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle, or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the arts design and creation; eating and drinking establishments; office; residential; retail; service, general; and service, financial use groups.

915.12 917.14 All parking spaces, other than mechanical parking spaces, shall be ...

915.13 917.15 New parking spaces and drive aisles shall be ...

915.14 917.16 Approval of a driveway under this chapter shall not be ...

915.15 917.17 All access to parking facilities, whether from a ...

Current § 916, VEHICLE PARKING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 918 and amended to a reference, to read as follows:

916 918 BICYCLE PARKING (WR)

916.1 918.1 Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8, and in accordance with Subtitle K § **916.2 918.2**.

916.2 918.2 Long-term bicycle parking spaces shall ...

Current § 917, LOADING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 919, to read as follows:

917 919 LOADING (WR)

917.1 919.1 Loading shall be provided ...

917.2 919.2 Access to loading and service/delivery space shall ...

917.3 919.3 All access to loading facilities ...

917.4 919.4 In addition to the loading screening ...

Current § 920, AFFORDABLE HOUSING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 920 and amended by correcting references, to read as follows:

918 920 AFFORDABLE HOUSING (WR)

918.1 920.1 Affordable housing shall be provided as described in this section. The provisions of Subtitle C, Chapter 10 shall not apply, with the exception of the relevant penthouse habitable space affordable housing provisions pursuant to Subtitle C § 1500.11.

918.2 920.2 The purposes of this section are ...

918.3 920.3 The FAR, lot occupancy, and height ...

918.4 920.4 For the ~~entire WR zone~~ **WR-1 through WR-8 zones**, no less than four hundred and thirty-two (432) units of affordable housing shall be subject to affordable housing covenants that collectively result in compliance with Subtitle K §§ **918.5 and 918.6 920.5 and 920.6**.

918.5 920.5 Of the four hundred and thirty-two (432) units ...

918.6 920.6 A minimum amount of affordable units shall be provided in each **zone of the WR-1 through WR-8 zones**, and in each multifamily building, according to the following table. The remaining affordable units may be located anywhere in the **WR zone WR-1 through WR-8 zones**.

TABLE K § ~~918.6~~ 920.6: AFFORDABLE UNIT REQUIREMENTS

	Column A	Column B
Zone	Minimum Percentage of Residential Units to be Provided as Affordable Units in the Zone	Of the Units Prescribed in Column A, the Minimum Percentage to be Provided in Each Multifamily Building in the Zone
WR-1	8%	n/a
WR-2	8%	20%
WR-3	8%	12.5%
WR-4	8%	20%
WR-5	8%	25%
WR-7	8%	25%
WR-8	8%	25%

918.7 920.7 At the expiration of the affordability control period established by its affordable housing covenant, each multifamily building within the WR-2 through WR-8 zones shall devote no less than eight percent (8%) of its units to affordable units, which shall remain affordable in accordance with Subtitle K § ~~918.8~~ 920.8 for so long as the multifamily building exists.

918.8 920.8 At the expiration of the affordability control period

918.9 920.9 At the expiration of all affordability control periods established by affordable housing covenants recorded against properties in the WR-1 zone, no less than eight percent (8%) of all units within the WR-1 zone shall be devoted to affordable units, which shall remain affordable in accordance with Subtitle K § ~~918.10~~ 920.10 for so long as the units exists.

918.10 920.10 At the expiration of all affordability control periods ...

918.11 920.11 In the ~~WR zone~~ WR-1 through WR-8 zones, each application for a building permit for a residential use shall include in tabular and map format a description of which affordable units have been provided to date and where, which affordable units have yet to be provided and where they are anticipated to be provided, and how the provisions of this section are being met.

918.12 920.12 Pursuant to Subtitle X, Chapter 9, the Board of Zoning Adjustment may hear and decide any requests for relief from Subtitle K §§ ~~918.5 and 918.6~~ 920.5 and 920.6, subject to the application demonstrating that the purposes of Subtitle K § ~~918.2~~ 920.2 would still be met.

918.13 920.13 Affordable units, in addition to the other requirements of this section, arising from penthouse habitable space pursuant to Subtitle C §§ ~~411.16 and 411.17~~ 1500.11 and 1500.12 shall be provided in accordance with the relevant provisions of

Subtitle C, Chapter 10, for residential penthouse habitable space or Subtitle C § ~~414~~ **1505** for non-residential penthouse space, ~~except~~ **except** that such units may be located anywhere within the ~~are~~ **area** covered by any WR zone.

Current § 919, GREEN AREA RATIO (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 921 and amended by correcting references, to read as follows:

~~919~~ 921 GREEN AREA RATIO (WR)

~~919.1~~ 921.1 In the WR-2, WR-3, WR-4, WR-5, WR-7, ~~and~~ WR-8, **and WR-10** zones, the GAR requirement is four-tenths (0.4), pursuant to Subtitle C, Chapter 6.

Current § 920, PLANNED UNIT DEVELOPMENTS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 922, to read as follows:

~~920~~ 922 PLANNED UNIT DEVELOPMENTS (WR)

~~920.1~~ 922.1 A planned unit development (PUD) in the WR zone shall ...

Current § 921, PLANNED UNIT DEVELOPMENTS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 923, to read as follows:

~~921~~ 923 SPECIAL EXCEPTION RELIEF (WR)

~~921.1~~ 923.1 Except for Subtitle K §§ 903.10 through 903.14 and 903.18 ...

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 § 505.1 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 § 505.2, 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.

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 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። እንኳ አገልግሎቶች የሚሰጡት በነጻ ነው።

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

TIME AND PLACE: **Tuesday, July 14, 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:

Z.C. Case No. 19-28 (Square 417, LLC – Map Amendment @ Square 417, Lots 53 and 54 [1840 7th Street, N.W.]

THIS CASE IS OF INTEREST TO ANCs 1B & 6E

Square 417, LLC (the “Applicant”) filed an application (the “Application”) on November 15, 2019, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve an amendment to the Zoning Map for Lots 53 and 54 in Square 417 (the “Property”), with an address of property located at 1840 7th Street, N.W., from the RF-1 zone to the ARTS-3 zone.

The Property consists of approximately 42,751 square feet along the west side of 7th Street, N.W. The Property is currently occupied by a three-story office building and surface parking lots. To the north, east, and south of the Property are a variety of retail, service, residential, and office uses and the Shaw/Howard University Metro Station, all in the ARTS-2 zone, while the west are row dwellings in the RF-1 zone.

The General Policy Map of the Comprehensive Plan (the “CP”) designates the Property in a Neighborhood Enhancement Area, which applies to neighborhoods with substantial amounts of vacant residentially zoned land, for which new development should improve the real estate market, reduce crime and blight, and attract complementary new uses and services that better serve the needs of existing and future residents. The CP’s Future Land Use Map designates the Property for Mixed-Use Medium Density Residential/Medium Density Commercial, which contemplates neighborhoods with a mix of mid-rise (4-7 stories) apartment buildings with retail, office, and service businesses (up to 8 stories) as the predominant uses. The CP identifies the RA-2 and RA-3 zones as medium-density residential zones, and the MU-5, MU-6, MU-7, MU-8, ARTS-1, ARTS-2, and ARTS-3 zones as medium-density commercial zones, although other zones may apply. The Property also falls within the area covered by the *DUKE – Development Framework for a Cultural Destination District within Washington, DC’s Greater Shaw/U Street* (“Duke Plan”) and the Convention Center Strategic Development Plan Small Area Plans.

The Property’s current RF-1 zone is intended to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted and is identified by the CP as a moderate density residential zone. The RF-1 zone limits density by a minimum lot area of 1,800 square feet (“sf”) for row dwellings or flats, 3,000 sf for semi-detached dwellings, and 4,000 for all other structures (1,500 sf for developments subject to Inclusionary

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.*)

Zoning ((IZ")) and minimum lot width of 18 ft for row dwellings or flats, 30 for semi-detached dwellings, and 40 for all other structures (18 for IZ developments); a maximum building height of 3 stories and 35 feet (40 feet for three or more concurrently developed lots); and a maximum lot occupancy of 40% for all structures other than row, detached, or semi-detached dwellings, flats, or conversions to apartment houses which are limited to 60%.

The Property's proposed ARTS-3 zone is intended to permit medium-density, mixed-use development with a focus on employment. The ARTS-3 zone allows a maximum FAR of 4.0 (4.8 for IZ developments), or which a maximum of 2.5 FAR may be devoted to non-residential uses; a maximum building height of 65 feet (75 feet for IZ developments), with penthouse setback requirements adjacent to R, RF, and RA zones; and a maximum residential lot occupancy of 75% (80% for IZ developments and 100% for non-residential uses).

The Office of Planning ("OP") filed a February 14, 2020 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 CP as it allows for mixed medium-density residential and commercial uses, unlike the current RF-1 zone, which is a moderate-density residential zone that is inconsistent with the CP. The OP Setdown Report recommended the ARTS-3 zone as more appropriate than the adjacent ARTS-2 zone because the ARTS-3 zone's penthouse setback requirements would provide protection the Property's adjacent western row dwellings more than the ARTS-2 zone, while also allowing more density as anticipated by the CP.

At its February 24, 2020, 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 March 5, 2020.

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>

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.

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

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

TIME AND PLACE: **Thursday, July 30, 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:

Z.C. Case No. 20-11 (Office of Planning - Text Amendment to Subtitles Y and Z, Rule of Practice and Procedure – Virtual Public Hearing Regulations)

THIS CASE IS OF INTEREST TO ALL ANCS

On May 11, 2020, the Office of Zoning (“OZ”) filed a petition to the Zoning Commission (the “Commission”) proposing the following amendments to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references herein refer unless otherwise specified) to clarify the procedural rules for virtual public hearings and meetings due to the suspension of in-person public hearings and meetings caused by the ongoing COVID-19 pandemic and resulting modifications of District government operations:

Subtitle Y, Board of Zoning Adjustment Rules of Practice and Procedure

Chapter 1, Administration

§§ 103.12 and 103.13 – rules for virtual public hearings and meetings

Chapter 2, Public Participation

§§ 206.3 and 206.7 – electronic submission of comments and exhibits required at least 24 hours prior to the start of the public hearing or meeting

Chapter 4, Pre-Hearing and Hearing Procedures: Contested Cases

§§ 401.4 and 401.6 – updated ANC notice and posting requirements for expedited review applications

Subtitle Z, Zoning Commission Rules of Practice and Procedure

Chapter 1, Administration

§§ 103.12 and 103.13 – rules for virtual public hearings and meetings

Chapter 2, Public Participation

§§ 206.3 and 206.7 – electronic submission of comments and exhibits required at least 24 hours prior to the start of the public hearing or meeting

OZ requested that the Commission:

- Set the petition down for a public hearing;
- Consider taking emergency action to adopt the text amendment; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

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.*)

At its May 11, 2020, public meeting, the Commission asked for OZ to work with the Office of the Attorney General to revise the proposed text to clarify the rules for virtual submission of oral testimony and exhibits at a public hearing and voted to grant OZ's request, as modified pursuant to the Commission's request, to:

- Take emergency action to adopt the text amendment;
- Set the petition down for a public hearing; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

The complete record in the case, including the OP report and the 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>.

PROPOSED TEXT AMENDMENT

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

I. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Section 103, MEETINGS AND HEARINGS, of Chapter 1, ADMINISTRATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by revising § 103.12 and by adding a new § 103.13, to read as follows:

103.12 If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement **shall be on the website of the Office of Zoning and** may ~~be~~ **include** a sign placed at the entrance to the Board's hearing room.

103.13 **The Board may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Board for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the following:**

(a) A party to a case may request the Board not to hold the public hearing as an online virtual hearing but instead postpone the public hearing until the next available in-person public hearing; provided that the request includes specific reasons for the postponement and any potential accommodations that might resolve the concerns underlying the postponement request;

(b) The posting of the agenda for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the

requirement of Subtitle Y § 103.6 to be “available at” the public hearing or meeting;

- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;
- (d) A party, witness, agency representative, or party status requestor shall be deemed to “appear” or to be “present” if available for questioning and cross-examination during the hearing by the videoconference, teleconference, or other electronic means identified by the Board;
- (e) The Board may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Board;
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Board;
- (g) Exhibits may be offered into evidence at an online virtual public hearing; provided that:

 - (1) An exhibit is submitted to the Office of Zoning by the Interactive Zoning Information System (IZIS) or by e-mail to BZASubmissions@dc.gov prior to the start of the hearing in which the exhibit will be used; except as allowed by the Board as relevant and not prejudicial to a party;
 - (2) Exhibits submitted by parties shall be simultaneously served by e-mail on all other parties;
 - (3) If the Office of Zoning is unable to display the exhibits publicly during the online virtual public hearing, the Board may keep the record open for submission of the exhibits or provide other accommodations the Board deems appropriate; and
 - (4) The Board may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Board deems appropriate;
- (h) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Board, the details of which shall be provided on the Office of Zoning website;
- (i) Any individual or organization representative desiring to participate in an online virtual public hearing shall sign up to testify with the Office of Zoning prior to the conclusion of public testimony at the online

virtual public hearing per the instructions provided on the Office of Zoning website;

- (j) All individuals or organization representatives signing up to testify shall perform the required oath or affirmation when signing up;
- (k) An individual or organization representative who is unable to testify at a public hearing due to technical issues may file a request for leave to file a written version of the planned testimony to the record; provided that:
 - (1) The request includes an explanation of the technical issues that prevented the timely testimony;
 - (2) The request is submitted to the record within the twenty-four (24) hours following the conclusion of public testimony in the hearing; and
 - (3) Parties are allowed a reasonable time to respond;
- (l) A party that is unable to raise a legal objection in a public hearing may file a request for leave to file a written version of the objection, explaining how the party attempted to raise an objection during the public hearing and why that attempt was unsuccessful; provided that the request is filed within twenty-four (24) hours of the conclusion of the hearing session in which the party attempted to raise the objection;
- (m) The Board shall not deliberate until at least forty-eight (48) hours after the conclusion of the public hearing; and
- (n) All votes shall be taken by roll call.

Subsections 206.3 and 206.7 of § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

- 206.3** Other than written comments to be introduced at a public hearing, comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be submitted into the record electronically ~~after 9:00 a.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.
- 206.7** Other than exhibits to be introduced at a public hearing, all documents to be filed electronically through IZIS or by e-mail prior to the hearing or meeting shall

be in portable document format (PDF) and shall not be filed ~~after 9:00 a.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

Subsections 401.4 and 401.6 of § 401, EXPEDITED REVIEW, of Chapter 4, PRE-HEARING AND HEARING PROCEDURES: CONTESTED CASES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

- 401.4** Subject to the removal process described in Subtitle Y §§ 401.7 and 401.8, an eligible application that includes a waiver of hearing will be placed on an expedited review calendar and decided without hearing at the Board's next regularly scheduled session after:
- (a) The completion of the public notice procedures set forth in Subtitle Y § 402; and
 - (b) The completion of the affected ANC review period of thirty (30) days, as may be extended pursuant to the Advisory Neighborhood Commission Act (D.C. Law 1-21; D.C. Official Code § 1-309.10), from the date it receives notice of the application, excluding Saturdays, Sundays, and holidays, plus an additional fourteen (14) days.
- 401.6** The public notice of an expedited review and the affected ANC notice of an application requesting expedited review shall also indicate:
- (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.7 and 401.8; and
 - (b) That the only public notice of the hearing date for a removed application will be the posting of that date in on the website of the Office of Zoning and may include posting on at the entrance to that office beginning on the date that the application was removed and continuing until the date of such hearing.

II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Section 103, MEETINGS AND HEARINGS, of Chapter 1, ADMINISTRATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended by revising § 103.12 and by adding a new § 103.13, to read as follows:

- 103.12** If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the

purposes of this section, the form of the public announcement **shall be on the website of the Office of Zoning and** may **be include** a sign placed at the entrance to the Commission's hearing room.

103.13 The Commission may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Commission for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the following:

- (a) A party to a case may request the Commission not to hold the public hearing as an online virtual hearing but instead postpone the public hearing until the next available in-person public hearing; provided that the request includes specific reasons for the postponement and any potential accommodations that might resolve the concerns underlying the postponement request;**
- (b) The posting of the agenda for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Z § 103.6 to be "available at" the public hearing or meeting;**
- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;**
- (d) A party, witness, agency representative, or party status requestor shall be deemed to "appear" or to be "present" if available for questioning and cross-examination during the hearing by the videoconference, teleconference, or other electronic means identified by the Commission;**
- (e) The Commission may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Commission;**
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Commission;**
- (g) Exhibits may be offered into evidence at an online virtual public hearing; provided that:**
 - (1) An exhibit is submitted to the Office of Zoning by the Interactive Zoning Information System (IZIS) or by email to ZCSubmissions@dc.gov prior to the start of the hearing in**

- which the exhibit will be used; except as allowed by the Commission as relevant and not prejudicial to a party;
- (2) Exhibits submitted by parties shall be simultaneously served by email on all other parties;
- (3) If the Office of Zoning is unable to display the exhibits publicly during the online virtual public hearing, the Commission may keep the record open for submission of the exhibits or provide other accommodations the Commission deems appropriate; and
- (4) The Commission may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Commission deems appropriate;
- (h) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Commission, the details of which shall be provided on the Office of Zoning website;
- (i) Any individual or organization representative desiring to participate in an online virtual public hearing shall sign up to testify with the Office of Zoning prior to the conclusion of public testimony at the online virtual public hearing per the instructions provided on the Office of Zoning website;
- (j) All individuals or organization representatives signing up to testify shall perform the required oath or affirmation when signing up;
- (k) An individual or organization representative who is unable to testify at a public hearing due to technical issues may file a request for leave to file a written version of the planned testimony to the record; provided that:
- (1) The request includes an explanation of the technical issues that prevented the timely testimony;
- (2) The request is submitted to the record within the twenty-four (24) hours following the conclusion of public testimony in the hearing; and
- (3) Parties are allowed a reasonable time to respond;
- (l) A party that is unable to raise a legal objection in a public hearing may file a request for leave to file a written version of the objection,

explaining how the party attempted to raise an objection during the public hearing and why that attempt was unsuccessful; provided that the request is filed within twenty-four (24) hours of the conclusion of the hearing session in which the party attempted to raise the objection;

(m) The Commission shall not deliberate until at least forty-eight (48) hours after the conclusion of the public hearing; and

(n) All votes shall be taken by roll call.

Subsections 206.3 and 206.7 of § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

206.3 Other than written comments to be introduced at a public hearing, comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be submitted into the record electronically ~~after 5:00 p.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

206.7 Other than exhibits to be introduced at a public hearing, all documents to be filed electronically through IZIS or by e-mail prior to the hearing or meeting shall be in portable document format (PDF) and shall not be filed ~~after 9:00 a.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

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 rulemaking 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 zsubmissions@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 § 505.1 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 § 505.2, 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.

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.

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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 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።

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

RM1-2020-01, PUBLIC SERVICE COMMISSION RULES OF PRACTICE AND PROCEDURE; RM2-2020-01, UTILITY RATE CHANGES; RM5-2020-01-E, FUEL ADJUSTMENT CLAUSE AUDIT AND REVIEW PROGRAM; RM14-2020-01, AGENCY FUND REQUIREMENTS; RM15-2020-01, RULES IMPLEMENTING THE PUBLIC UTILITIES AMENDMENT ACT OF 1989; RM18-2020-01, NON-RESIDENTIAL CUSTOMER'S RIGHTS; RM20-2020-01, OFFICE OF THE PEOPLE'S COUNSEL AGENCY FUND; RM22-2020-01, PROCUREMENT REGULATIONS; RM23-2020-03-G, NATURAL GAS; RM46-2020-02-E, LICENSURE OF ELECTRICITY SUPPLIERS; and RM47-2020-02-G, LICENSURE OF NATURAL GAS SUPPLIERS,

1. The Public Service Commission of the District of Columbia ("Commission"), pursuant to its authority under D.C. Official Code § 2-505 (2016 Repl.) and § 34-802 (2012 Repl.), hereby gives notice of its intent to amend certain chapters of our rules to add a waiver of rules provision in each of the respective chapters: Chapters 1 (Public Service Commission Rules of Practice and Procedure), 2 (Utility Rate Changes), 5 (Fuel Adjustment Clause Audit and Review Program), 14 (Agency Fund Requirements), 15 (Rules Implementing the Public Utilities Amendment Act of 1989), 18 (Non-Residential Customer's Rights), 20 (Office of the People's Counsel Agency Fund), 22 (Procurement Regulations), 23 (Natural Gas), 46 (Licensure of Electricity Suppliers), and 47 (Licensure of Natural Gas Suppliers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), whereby the Commission revises the current waiver language of Chapter 1 Section 146 to conform identically with the newly added waiver language provisions in each of the following respective chapters and is reflected as amended in new Sections 298, 524, 1498, 1598, 1803, 2098, 2298, 2398, 4698, and 4798 (Waiver).

2. Most of the chapters in Title 15 of the Commission's Rules contain a provision that allows a waiver of rules for that particular chapter. A few chapters do not. For consistency and uniformity in the application of the Commission's rules, the waiver language in Chapter 1 Section 146 is revised, and the following chapters that previously did not have a waiver of rules provision will now include a provision that allows the Commission to waive the applicability of the rules where appropriate: Chapters 2, 5, 14, 15, 18, 20, 22, 23, 46, and 47.

3. The following chapters are hereby amended to include the following waiver of rules provisions:

Chapter 1, PUBLIC SERVICE COMMISSION RULES OF PRACTICE AND PROCEDURE, of Title 15 DCMR, PUBLIC UTILITIES, AND CABLE TELEVISION, is amended to read as follows:

Section 146, WAIVER, is amended as follows:

146.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 1 of this title.

Chapter 2, UTILITY RATE CHANGES, is amended as follows:

298 WAIVER

298.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 2 of this title.

Chapter 5, FUEL ADJUSTMENT CLAUSE AUDIT AND REVIEW PROGRAM, is amended as follows:

524 WAIVER

524.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 5 of this title.

Chapter 14, AGENCY FUND REQUIREMENTS, is amended as follows:

1498 WAIVER

1498.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 14 of this title.

Chapter 15, RULES IMPLEMENTING THE PUBLIC UTILITIES AMENDMENT ACT OF 1989, is amended as follows:

1598 WAIVER

1598.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 15 of this title.

Chapter 18, NON-RESIDENTIAL CUSTOMER’S RIGHTS, is amended as follows:

1803 WAIVER

1803.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 18 of this title.

Chapter 20, OFFICE OF THE PEOPLE’S COUNSEL AGENCY FUND, is amended as follows:

2098 WAIVER

2098.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 20 of this title.

Chapter 22, PROCUREMENT REGULATIONS, is amended as follows:**2298 WAIVER**

2298.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 22 of this title.

Chapter 23, NATURAL GAS, is amended as follows:**Section 2398, PENALTIES, is amended as follows:****2398 WAIVER**

2398.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 23 of this title.

Chapter 46, LICENSURE OF ELECTRICITY SUPPLIERS, is amended as follows:**4698 WAIVER**

4698.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 46 of this title.

Chapter 47, LICENSURE OF NATURAL GAS SUPPLIERS, is amended as follows:**4798 WAIVER**

4798.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 47 of this title.

4. Any interested person may submit written comments on this NOPR not later than thirty (30) days 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 submitted electronically on the Commission's website at https://edocket.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.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.

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

NOTICE OF SECOND EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(c) (2012 Repl. & 2019 Supp.)) and D.C. Official Code § 25-502 (2012 Repl. & 2019 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, amends, on an emergency basis, Chapters 7 (General Operating Requirements) and 10 (Endorsements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

On March 25, 2020, the Board adopted an emergency rulemaking that (1) delayed the start of the twenty-one (21) day period for licensees who ceased operations or closed the licensed premises in accordance with Mayor's Orders 2020-048, dated March 16, 2020, and 2020-051, dated March 20, 2020, and the Department of Health's emergency regulations, dated March 13, 2020; and (2) created a temporary restaurant endorsement for on-premises retailer's licenses, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs. These emergency rules would have expired on July 16, 2020. *See* 67 DCR 4127 (April 10, 2020).

Since adopting the emergency rulemaking on March 25, 2020, the Mayor extended the public emergency and public health emergency in District of Columbia through May 15, 2020. (Mayor's Order 2020-063). Additionally, the Council for the District of Columbia voted on April 21, 2020 to expand the restaurant carry-out and delivery authorization at the request of the Executive to include nightclubs. As such, this rulemaking will allow holders of nightclub licenses to obtain a restaurant endorsement in order to offer alcoholic beverages for carry-out and delivery services to District residents if accompanied by at least one prepared food item.

The Board finds the adoption of these emergency rules necessary to expand the types of ABC licensees who can remain open during the pandemic to provide carry-out and delivery services of alcoholic beverages, while at the same time adhering to the Mayor's Orders to protect the health, welfare, and safety of the public. Therefore, the Board gives notice that on April 22, 2020, it has adopted the Temporary Restaurant Endorsement and Safekeeping of License Notice of Second Emergency Rulemaking by a vote of seven (7) to zero (0), to take effect on Wednesday, April 22, 2020 at 12:00 p.m.

The emergency rulemaking supersedes the previously adopted emergency rulemaking and shall remain in effect for the duration of the Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days from adoption, expiring on or before August 20, 2020, unless superseded.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of 23 DCMR, ALCOHOLIC BEVERAGES, is amended by amending Section 704, SURRENDER OF LICENSE, in its entirety, to read as follows:

704 SURRENDER OF LICENSE

704.1 A licensee that closes its licensed premises or ceases to operate for twenty-one (21) or more days, shall be required to place its license into safekeeping pursuant to D.C. Official Code § 25-791.

704.2 The twenty-one (21) day time period shall not begin to toll until after the Mayor lifts both the Extensions of Public Emergency and Public Health Emergency issued March 20, 2020, that are currently in effect.

704.3 Subsection 704.2 shall not apply to those licenses that are in safekeeping as of March 25, 2020.

704.4 A request by the licensee to place the license in safekeeping shall be in writing and must state the:

- (a) Reason that the license is being placed in safekeeping; and
- (b) Length of time that the licensee is seeking to keep the license in safekeeping.

704.5 An initial safekeeping period granted by the Board may be extended for reasonable cause as set forth in D.C. Official Code § 25-791(b). The Board shall hold a safekeeping hearing for any license in safekeeping longer than six (6) months to determine whether the licensee has made sufficient progress toward reopening or whether the license should be cancelled by the Board.

704.6 Whenever a license has been in safekeeping with the Board for longer than two (2) years, the licensee shall, upon requesting removal of the license from safekeeping, submit for Board approval, detailed plans of its operations upon reopening, and shall notify the Board of the anticipated reopening date.

Chapter 10, ENDORSEMENTS, is amended by adding a new Section 1006, TEMPORARY RESTAURANT ENDORSEMENT, on an emergency basis, to read as follows:

1006 TEMPORARY RESTAURANT ENDORSEMENT

1006.1 A licensee under an on-premises retailer’s license, class C/H or D/H, C/N or D/N, C/X or D/X, including multipurpose facilities and private clubs, shall be permitted to obtain a temporary restaurant endorsement to sell beer, wine, or spirits only for carry-out or delivery with one (1) or more food items

- 1006.2 A retailer with commercial street footage at the Walter E. Washington Convention Center that currently sells prepared food shall be permitted to obtain a temporary restaurant endorsement to sell beer, wine, or spirits for carry-out or delivery with one (1) or more food item.
- 1006.3 A licensee that possesses a temporary restaurant endorsement pursuant to this section shall be permitted to only sell beer, wine, or spirits in closed containers to individuals for carry-out or to deliver beer, wine, or spirits in closed containers to the homes of District residents; provided that each such carry-out or delivery is accompanied by one (1) or more prepared food items.
- 1006.4 A licensee that registers for a temporary restaurant endorsement shall not be required to obtain Board approval. However, an eligible licensee shall receive written authorization from ABRA prior to beginning off-premises sales under the temporary restaurant endorsement. The registration form shall include, at a minimum, the name of the licensee and the address of the licensed establishment.
- 1006.5 The written authorization the licensee receives from ABRA pursuant to § 1006.3 shall be posted on the establishment's licensed premises.

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

NOTICE OF THIRD EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, amends Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR), by adding a new Section 810 (Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency), on an emergency basis.

On March 20, 2020, in response to the spread of COVID-19, the Mayor issued Mayor's Order 2020-050, Extensions of Public Health Emergency Coronavirus: (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – Coronavirus (COVID-19). These Orders serve to extend with some changes the two previous Mayor's Orders issued March 11, 2020, (Mayor's Orders 2020-045 and 2020-046) through April 24, 2020. On March 24, 2020, the Mayor issued Order 2020-053, temporarily closing of all non-essential businesses in the District, and further prohibiting large gatherings. On April 15, 2020, the Mayor extended the public emergency and public health emergency in the District through May 15, 2020. (Mayor's Order 2020-0063).

On March 18, 2020, the Board adopted the *Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency Notice of Emergency Rulemaking* by a vote of six (6) to zero (0). See 67 DCR 3588 (March 27, 2020).

Recognizing that other ABC licensed establishments needed additional assistance, the Board took further emergency action to allow hotels, multipurpose facilities, and private clubs to obtain temporary restaurant endorsements so that they also could offer alcoholic beverages for carry-out and delivery. The Board adopted a second emergency rulemaking entitled the *Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency Notice of Second Emergency Rulemaking* on March 25, 2020, by a vote of seven (7) to zero (0), which superseded the emergency rulemaking that the Board had previously adopted. See 67 DCR 4130 (April 10, 2020).

Since the Board's adoption of the notice of second emergency rulemaking, the Council for the District of Columbia voted on April 21, 2020, to expand the restaurant carry-out and delivery authorization at the request of the Executive to include ABC licensed nightclubs. This emergency rulemaking amends the previously adopted emergency rulemaking by expanding the ABC licensed establishments that may offer alcoholic beverages for carry-out and delivery. Specifically, holders of nightclub licenses will now be allowed to obtain a temporary restaurant endorsement so that they can offer alcoholic beverages only for carry-out and delivery with at least one prepared food item.

The Board gives notice that on April 22, 2020, it has further amended and adopted the *Suspension of On-Premises Alcohol Sales and Consumption Due to Public Emergency Notice*

of Third Emergency Rulemaking by a vote of seven (7) to zero (0), to take effect on Wednesday, April 22, 2020 at 12:00 p.m. This third emergency rulemaking supersedes the previously adopted emergency rulemaking, and shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days; expiring on or before August 20, 2020, unless superseded.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by adding a new Section 810, SUSPENSION OF ON-PREMISES ALCOHOL SALES AND CONSUMPTION DUE TO PUBLIC EMERGENCY, to read as follows:

810 SUSPENSION OF ON-PREMISES ALCOHOL SALES AND CONSUMPTION DUE TO PUBLIC EMERGENCY

810.1 The sale of alcoholic beverages for on-premises consumption shall be prohibited in the District of Columbia for the length of either or both the Mayor's Public Emergency and Public Health Emergency. Specifically, the sale of alcoholic beverages for on-premises consumption shall be prohibited by the following license classes:

- (a) The holders of a retailer's license class C or D, including licensed caterers;
- (b) Class A or B manufacturers holding an on-site sales and consumption permit;
- (c) Festival and temporary license holders; and
- (d) Any other license or permit category set forth under Title 25 of the D.C. Official Code.

810.2 A licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs that register with the Board may sell beer, wine or spirits in closed containers for individuals to carry-out to their home or deliver beer, wine or spirits in closed containers to the homes of District residents; provided that each such carry-out or delivery order is accompanied by one or more prepared food items.

810.3 Board approval shall not be required for registration; however, a restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs shall receive written authorization from ABRA prior to beginning carry-out or delivery of beer, wine or spirits.

810.4 The prohibition of on-premises sales and consumption shall not apply to the holder of a hotel license for purposes of:

- (a) Delivering alcoholic beverages for consumption in the private rooms of registered adult guests; or
- (b) Making available in the room of a registered adult guest, miniatures as defined in D.C. Official Code § 25-101(32B).

- 810.5 A registered licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs may sell beer, wine or spirits for carry-out and delivery only between the hours of 7:00 a.m. and midnight, Monday through Sunday.
- 810.6 Under no circumstances shall a registered licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs permit the consumption of beer, wine or spirits on the licensed premises.
- 810.7 Any person delivering beer, wine or spirits to the homes of District residents shall be 18 years of age or older and shall take reasonable steps to ascertain that the person receiving the delivered beer, wine or spirits is twenty-one (21) years of age or older.
- 810.8 The Board, in its discretion, may immediately suspend or revoke without prior notice or advertisement, the ABC license of an establishment licensed under Title 25 of the District of Columbia Official Code that is in violation of this section. Nothing in this subsection shall prohibit the Board or ABRA from issuing a written or verbal warning for a violation of this section.
- 810.9 The Board shall conspicuously post two (2) summary suspension or revocation notices at or near the main street entrance of the outside of the establishment.
- 810.10 A licensee may request a hearing within three (3) business days after service of a Notice of Suspension or Revocation for a violation of this section. The Board shall hold a hearing within two (2) business days of receipt of a timely request and shall issue a decision within three (3) business days after the hearing.
- 810.11 A licensee aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING****Z.C. Case No. 20-11****(Text Amendment – Subtitles Y and Z of Title 11 DCMR)****(Emergency Virtual Public Meeting Procedures)****May 11, 2020**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its amendment on an emergency basis, as well as its intent to amend on a permanent basis, the following provisions of 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):

Subtitle Y, Board of Zoning Adjustment Rules of Practice and Procedure

Chapter 1, Administration

§§ 103.12 and 103.13 – rules for virtual public hearings and meetings

Chapter 2, Public Participation

§§ 206.3 and 206.7 – electronic submission of comments and exhibits required at least 24 hours prior to the start of the public hearing or meeting

Chapter 4, Pre-Hearing and Hearing Procedures: Applications

§§ 401.4 and 401.6 – updated ANC notice and posting requirements for expedited review applications

Subtitle Z, Zoning Commission Rules of Practice and Procedure

Chapter 1, Administration

§§ 103.12 and 103.13 – rules for virtual public hearings and meetings

Chapter 2, Public Participation

§§ 206.3 and 206.7 – electronic submission of comments and exhibits required at least 24 hours prior to the start of the public hearing or meeting

On May 11, 2020, the Office of Zoning (OZ) filed a petition to the Commission proposing these amendments to clarify the procedural rules for virtual public hearings and meetings due to the suspension of in-person public hearings and meetings caused by the ongoing COVID-19 pandemic and resulting modifications of District government operations. OZ requested that the Commission:

- Set the petition down for a public hearing;
- Consider taking emergency action to adopt the text amendment; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

The Commission concludes that taking emergency action to adopt the proposed text amendment is necessary for the “immediate preservation of the public ... welfare,” as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), in order to allow the continuation of public hearings

and meetings despite the suspension of in-person public hearings and meetings due to the ongoing COVID-19 pandemic, with the attendant risk to the District's economic condition.

At its May 11, 2020, public meeting, the Commission asked for OZ to work with the Office of the Attorney General to revise the proposed text to clarify the rules for virtual submission of oral testimony and exhibits at a public hearing and voted to grant OZ's request, as modified pursuant to the Commission's request, to:

- Take emergency action to adopt the text amendment;
- Set the petition down for a public hearing; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

Emergency & Proposed Action

VOTE (May 11, 2020): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

Emergency Action

The emergency rule is effective as of the Commission's May 11, 2020, vote and will expire on September 8, 2020, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this emergency rule, whichever occurs first.

Proposed Action

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

The following amendments to the Zoning Regulations are adopted on an emergency basis, and are proposed for the Commission's final consideration (additions are shown in **bold** and **underlined** text and deletions are shown in **bold** and ~~strikethrough~~ text):

Title 11 (Zoning Regulations of 2016) is amended as follows:

I. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Section 103, MEETINGS AND HEARINGS, of Chapter 1, ADMINISTRATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by revising § 103.12 and by adding a new § 103.13, to read as follows:

103.12 If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement **shall be on the website of the Office of Zoning and** may ~~be~~ **include** a sign placed at the entrance to the Board's hearing room.

103.13 **The Board may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Board for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the following:**

- (a) A party to a case may request the Board not to hold the public hearing as an online virtual hearing but instead postpone the public hearing until the next available in-person public hearing; provided that the request includes specific reasons for the postponement and any potential accommodations that might resolve the concerns underlying the postponement request;**
- (b) The posting of the agenda for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Y § 103.6 to be “available at” the public hearing or meeting;**
- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;**
- (d) A party, witness, agency representative, or party status requestor shall be deemed to “appear” or to be “present” if available for questioning and cross-examination during the hearing by the videoconference, teleconference, or other electronic means identified by the Board;**
- (e) The Board may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Board;**
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Board;**
- (g) Exhibits may be offered into evidence at an online virtual public hearing; provided that:**
 - (1) An exhibit is submitted to the Office of Zoning by the Interactive Zoning Information System (IZIS) or by e-mail to BZASubmissions@dc.gov prior to the start of the hearing in which the exhibit will be used; except as allowed by the Board as relevant and not prejudicial to a party;**
 - (2) Exhibits submitted by parties shall be simultaneously served by e-mail on all other parties;**
 - (3) If the Office of Zoning is unable to display the exhibits publicly during the online virtual public hearing, the Board may keep**

the record open for submission of the exhibits or provide other accommodations the Board deems appropriate; and

- (4) The Board may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Board deems appropriate;
- (h) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Board, the details of which shall be provided on the Office of Zoning website;
- (i) Any individual or organization representative desiring to participate in an online virtual public hearing shall sign up to testify with the Office of Zoning prior to the conclusion of public testimony at the online virtual public hearing per the instructions provided on the Office of Zoning website;
- (j) All individuals or organization representatives signing up to testify shall perform the required oath or affirmation when signing up;
- (k) An individual or organization representative who is unable to testify at a public hearing due to technical issues may file a request for leave to file a written version of the planned testimony to the record; provided that;
- (1) The request includes an explanation of the technical issues that prevented the timely testimony;
- (2) The request is submitted to the record within the twenty-four (24) hours following the conclusion of public testimony in the hearing; and
- (3) Parties are allowed a reasonable time to respond;
- (l) A party that is unable to raise a legal objection in a public hearing may file a request for leave to file a written version of the objection, explaining how the party attempted to raise an objection during the public hearing and why that attempt was unsuccessful; provided that the request is filed within twenty-four (24) hours of the conclusion of the hearing session in which the party attempted to raise the objection;
- (m) The Board shall not deliberate until at least forty-eight (48) hours after the conclusion of the public hearing; and
- (n) All votes shall be taken by roll call.

Subsections 206.3 and 206.7 of § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

206.3 Other than written comments to be introduced at a public hearing, comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be submitted into the record electronically ~~after 9:00 a.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

206.7 Other than exhibits to be introduced at a public hearing, all documents to be filed electronically through IZIS or by e-mail prior to the hearing or meeting shall be in portable document format (PDF) and shall not be filed ~~after 9:00 a.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

Subsections 401.4 and 401.6 of § 401, EXPEDITED REVIEW, of Chapter 4, PRE-HEARING AND HEARING PROCEDURES: APPLICATIONS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

401.4 Subject to the removal process described in Subtitle Y §§ 401.7 and 401.8, an eligible application that includes a waiver of hearing will be placed on an expedited review calendar and decided without hearing at the Board's next regularly scheduled session after:

- (a) The completion of the public notice procedures set forth in Subtitle Y § 402; and
- (b) The completion of the affected ANC review period of thirty (30) days, as may be extended pursuant to the Advisory Neighborhood Commission Act (D.C. Law 1-21; D.C. Official Code § 1-309.10), from the date it receives notice of the application, excluding Saturdays, Sundays, and holidays, plus an additional fourteen (14) days.

401.6 The public notice of an expedited review and the affected ANC notice of an application requesting expedited review shall also indicate:

- (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.7 and 401.8; and
- (b) That the only public notice of the hearing date for a removed application will be the posting of that date ~~in~~ on the website of the Office of Zoning and may include posting on at the entrance to that office beginning on

the date that the application was removed and continuing until the date of such hearing.

II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Section 103, MEETINGS AND HEARINGS, of Chapter 1, ADMINISTRATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended by revising § 103.12 and by adding a new § 103.13, to read as follows:

103.12 If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement **shall be on the website of the Office of Zoning and** may **be include** a sign placed at the entrance to the Commission's hearing room.

103.13 The Commission may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Commission for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the following:

- (a) A party to a case may request the Commission not to hold the public hearing as an online virtual hearing but instead postpone the public hearing until the next available in-person public hearing; provided that the request includes specific reasons for the postponement and any potential accommodations that might resolve the concerns underlying the postponement request;**
- (b) The posting of the agenda for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Z § 103.6 to be "available at" the public hearing or meeting;**
- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;**
- (d) A party, witness, agency representative, or party status requestor shall be deemed to "appear" or to be "present" if available for questioning and cross-examination during the hearing by the videoconference, teleconference, or other electronic means identified by the Commission;**

- (e) The Commission may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Commission;
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Commission;
- (g) Exhibits may be offered into evidence at an online virtual public hearing; provided that:
- (1) An exhibit is submitted to the Office of Zoning by the Interactive Zoning Information System (IZIS) or by email to ZCSubmissions@dc.gov prior to the start of the hearing in which the exhibit will be used; except as allowed by the Commission as relevant and not prejudicial to a party;
 - (2) Exhibits submitted by parties shall be simultaneously served by email on all other parties;
 - (3) If the Office of Zoning is unable to display the exhibits publicly during the online virtual public hearing, the Commission may keep the record open for submission of the exhibits or provide other accommodations the Commission deems appropriate; and
 - (4) The Commission may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Commission deems appropriate;
- (h) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Commission, the details of which shall be provided on the Office of Zoning website;
- (i) Any individual or organization representative desiring to participate in an online virtual public hearing shall sign up to testify with the Office of Zoning prior to the conclusion of public testimony at the online virtual public hearing per the instructions provided on the Office of Zoning website;
- (j) All individuals or organization representatives signing up to testify shall perform the required oath or affirmation when signing up;
- (k) An individual or organization representative who is unable to testify at a public hearing due to technical issues may file a request for leave to

file a written version of the planned testimony to the record; provided that:

(1) The request includes an explanation of the technical issues that prevented the timely testimony;

(2) The request is submitted to the record within the twenty-four (24) hours following the conclusion of public testimony in the hearing; and

(3) Parties are allowed a reasonable time to respond;

(l) A party that is unable to raise a legal objection in a public hearing may file a request for leave to file a written version of the objection, explaining how the party attempted to raise an objection during the public hearing and why that attempt was unsuccessful; provided that the request is filed within twenty-four (24) hours of the conclusion of the hearing session in which the party attempted to raise the objection;

(m) The Commission shall not deliberate until at least forty-eight (48) hours after the conclusion of the public hearing; and

(n) All votes shall be taken by roll call.

Subsections 206.3 and 206.7 of § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

206.3 Other than written comments to be introduced at a public hearing, comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be submitted into the record electronically ~~after 5:00 p.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

206.7 Other than exhibits to be introduced at a public hearing, all documents to be filed electronically through IZIS or by e-mail prior to the hearing or meeting shall be in portable document format (PDF) and shall not be filed ~~after 9:00 a.m. on the day~~ less than twenty-four (24) hours prior to the start of the hearing or meeting.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to

441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case, including the OP report and the 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>.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-067
May 27, 2020

SUBJECT: Phase One of Washington, DC Reopening

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); pursuant to the Coronavirus Support Emergency Amendment Act of 2020 (the "Act"), effective May 19, 2020, D.C. Act 23-326, and any substantially similar subsequent emergency or temporary legislation; section 5 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 (2018 Repl.); 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 (2018 Repl.); section 1 of 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.* (2012 Repl.); and in accordance with Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 20, 2020, Mayor's Order 2020-063, dated April 15, 2020, and Mayor's Order 2020-066, May 13, 2020, it is hereby **ORDERED** that:

I. BACKGROUND

1. This Order incorporates the findings of prior Mayor's Orders relating to COVID-19.
2. As of May 26, 2020, 8,334 District residents have tested positive for COVID-19 and tragically 440 District residents have lost their lives already due to COVID-19. Further, COVID-19 continues to spread in the Maryland and Virginia areas near Washington, DC.
3. On March 24, 2020, I issued Mayor's Order 2020-053 restricting business activity in the District and directing the closure of non-essential businesses. On March 30, 2020, I issued Mayor's Order 2020-054, a "Stay at Home" order, requiring individuals to stay at their residences except to engage in essential business, essential travel, and allowable recreational activity.
4. On April 23, 2020, I constituted the ReOpen DC Advisory Group and charged it with making recommendations for how to execute a sustainable reopening of the District through data-driven analysis, community feedback, and guidance from the Johns Hopkins Bloomberg School of Public Health, anchored in four (4) DC values:

health, opportunity, prosperity, and equity. The ReOpen DC Advisory Group delivered recommendations to me on May 21, 2020.

5. The ReOpen DC Advisory Group recommended a four (4)-phase approach to reopening businesses, government operations, services, and activities in the District, with each phase reducing restrictions and moving toward Phase Four, when District restrictions based in protecting public health would lift. These are recommendations without the force of guidance, order, or law. The Administration will operationalize those recommendations that it accepts per phase by Mayor's Order.
6. The authorization of Phase One is based on the Department of Health's (DOH) evaluation of certain gated criteria. These are consistent with criteria recommended by the United States Centers for Disease Control and Prevention and DOH's determination that the District has met applicable metrics that enable us to reduce certain restrictions on businesses, government operations, services, and activities. The criteria and metrics include the following:
 - a. COVID-19 Case Decline: Including a sustained fourteen (14)-day decrease in community spread and low transmission rate of $R_t < 1$ for three (3) days;
 - b. Testing Capacity: Including capacity to test individuals who are symptomatic, in essential roles, at-risk healthcare workers, or who have had close contacts with individuals who have tested positive for COVID-19;
 - c. Health Care System Capacity: Including a sufficient healthcare capacity of with hospital occupancy under eighty percent (80%) for over seven (7) days, without resort to surge capacity; and
 - d. Public Health System Capacity: Including a sufficient contact tracing system for COVID-19 cases and contact tracing attempt of new cases within one (1) day and their close contacts within two (2) days.
7. In Phase One, certain activities — where the risk of transmission has been determined to be low and when strong safeguards are in place — are being allowed to restart.
8. Due to the diligence of residents and the patience of businesses in complying with various Orders, directives, and guidance, the number of COVID-19 cases and deaths are below previous projections. Together, we have saved lives. We continue to have a shared responsibility to maintain our vigilance, in order to avoid a rapid increase in the occurrence of new cases and a spike in the number of fatalities, and to protect the public health, safety, and welfare of our fellow District residents and visitors. We have a special responsibility to protect vulnerable populations and those who are subject to pre-COVID-19 health challenges and disparities, namely the elderly, African American and Latinx populations.

9. DOH will continue to monitor the rate of community and institutional transmission, COVID and influenza like illnesses, and capacity in the healthcare system. The District will expand testing capacity, access to tests, and contact tracing, and will enter subsequent phases of reopening, in a phased, incremental manner, when it is safe and prudent to do so.
10. If the District's progress in meeting the gated criteria deteriorates, the Executive may order more stringent measures to contain the spread of COVID-19 and address the changing circumstances of the public health emergency.
11. This Order declares that the District is in Phase One of reopening and establishes the applicable standards, lifts restrictions in the "Stay at Home" Order and allows certain businesses to reopen on May 29, 2020 under specified conditions.

II. LIFTING OF STAY-AT-HOME ORDER; CONTINUED PROHIBITION ON GATHERINGS OF MORE THAN TEN (10) INDIVIDUALS

1. During Phase One, individuals living in, working in, and visiting Washington, DC are no longer ordered to stay at their residences.
2. When leaving their residence, all individuals must continue to maintain a distance of at least six (6) feet from persons not in their household, except if such distance is impossible to maintain (such as when obtaining medical services or a haircut).
3. Wearing a mask or face covering is one tool to protect an individual's own health and the health of others, but it does not replace social distancing. DOH guidance relating to masks must be followed, as must the applicable orders of any regulatory agency for a specific activity. Such directives may be found on coronavirus.dc.gov/phaseone.
4. Paragraphs 1 through 6 of Section II of Mayor's Order 2020-054 ordering persons to stay at home are repealed.
5. Large gatherings of more than ten (10) individuals continue to be prohibited in the District, with the same caveats and exceptions set forth in prior Orders.

III. PHASE ONE OPERATION OF NONESSENTIAL BUSINESSES

1. Nonessential retail businesses may open to customers for:
 - a. Outdoor pickup by customers of items ordered online or over the phone;
 - b. Delivery of items ordered online or over the phone;

- c. Indoor shopping and indoor pickup of items continues to be prohibited at nonessential retail businesses; and
 - d. Minimum Basic Operations of nonessential retail businesses may continue.
2. Barbershops and hair salons may operate as follows:
 - a. Services may be provided by appointment only and these businesses are encouraged to keep customer information related to these appointments, including which barber or stylist saw which customer, for use by contact tracers should that become necessary;
 - b. No waiting inside the shop is permitted; in the shop there may be one customer per barber or stylist;
 - c. The limited opening of barbershops and hair salons in Phase One does not yet authorize services such as waxing, electrolysis, threading, and nail care at such shops;
 - d. Barbershops and hair salons may sell hair-related products to customers immediately before or after appointments, but otherwise may only sell products on a delivery or curbside-pickup basis; and
 - e. Open customer stations of all types must be at least six (6) feet from each other.
3. Businesses that operate pursuant to this Order must follow protocols required by prior Mayor's Orders and guidance provided by the Department of Health, and also must:
 - a. Inform all employees that they should not come to work if sick and of applicable leave provisions; and
 - b. Create a plan regarding COVID-19, including providing all employees information about testing locations in the District and guidance from the Centers for Disease Control and Prevention.
4. **For clarity, nonessential businesses that remain closed except for minimum business operations, curbside pickup or delivery, or home-based services include:** fitness establishments (gyms; health clubs; spas; massage parlors; workout studios); tanning, tattoo, waxing, electrolysis, cryotherapy, facials, and nail salons; sporting venues; bowling alleys, skating rinks and gaming arcades; gymnastics, yoga, and dance studios; sauna and hot-tub showrooms or facilities; rock climbing centers; indoor racquet and squash courts; cigar and hookah bars and head shops; jewelry and watch stores; clothing stores; cosmetics stores; mattress stores; party supply stores; florists; gift, pen, and award shops; card/stationery stores;

photography studios; toy stores; book stores; candle shops; sunglasses shops; home goods stores; pottery making or glassblowing workshops; party venues; frame stores; camping, skiing and other outdoor gear stores; weigh-in/weight loss centers and vitamin/supplement stores; tasting rooms and cooking demonstration facilities; theaters, cinemas and auditoriums; museums and galleries; bars, nightclubs, mixed-use facilities and private social clubs, except those licensed to serve food and permitted by the Alcoholic Beverage Regulation Administration (ABRA); travel agencies; test preparation/tutoring centers; and professional services other than those provided to essential businesses and grantmaking.

IV. PHASE ONE OPERATION OF HEALTH CARE PROVIDERS

Healthcare providers may continue to offer, or resume offering, services, including outpatient or other surgical procedures in the District that will not unduly burden hospital capacity or COVID-19 related resources. Guidance on allowable Phase One procedures is provided by DOH.

V. PHASE ONE ADDITIONAL OPERATIONS OF LICENSED FOOD ESTABLISHMENTS

1. In addition to providing takeout, delivery, and “grab and go,” subject to the conditions set forth in section V.2 below:
 - a. Restaurants and other licensed food establishments may open for outdoor dining; and
 - b. Taverns, nightclubs and mixed-use facilities that serve food, and that are already approved to provide such outdoor service by ABRA, may also operate outdoor dining.
2. Outdoor dining must occur in areas approved by the District Department of Transportation (DDOT) and ABRA and include the following minimum safeguards:
 - a. All outdoor dining customers must be seated, place orders, and be served at tables;
 - b. No more than six (6) individuals may be seated at a table or a joined table;
 - c. All tables serving separate parties must be at least six (6) feet apart; and
 - d. All restaurants must implement sanitization and disinfection protocols.
3. Licensed food establishments are encouraged to use a reservation system, preferably online or by telephone, to avoid crowding and queuing nearby.

4. Licensed food establishments are encouraged to keep customer logs to facilitate contact tracing by DOH.

VI. PHASE ONE ADDITIONAL OPERATIONS OF FARMERS MARKETS

1. Farmers Markets operating under a waiver granted pursuant to Paragraph IV of Mayor's Order 2020-058 may amend their plans and requests for waivers to:
 - a. Allow the sale of non-food items and food prepared on site;
 - b. Allow customers to select their own produce;
 - c. Provide produce in non-pre-bagged quantities; and
 - d. Provide non-essential information and education.
2. All existing waivers shall be extended to allow the market to operate through the rest of the season.
3. Amended plans and requests for waiver that include only the new items referenced above shall be deemed approved when filed with dcfoodpolicy@dc.gov, but may later be required to be modified or may be rejected based on review by the District.

VII. ADDITIONAL PHASE ONE PROVISIONS

1. The Department of Parks and Recreation is authorized to reopen parks, dog parks, tennis courts, tracks, and fields. Playgrounds, public pools, recreation centers, and indoor facilities remain closed.
2. The Office of Planning, in conjunction with the Deputy Mayor for Education and the Department of Health, is directed to implement a campus plan approval process for colleges and universities by July 1, 2020 to plan for safe reopening.

VIII. EVENTS REQUIRING PERMITS IN THE DISTRICT

1. Unless otherwise authorized by the Mayor, the Mayor's Special Events Task Group (MSETG) shall not consider any special event permit requests for events during the public health emergency (currently authorized through July 24, 2020).
2. For events that are scheduled to occur after July 24, 2020, MSETG may consider special event permit requests, provided that the event organizers are notified: (i) that any expenditure of funds is strictly at their own risk; (ii) that any permit that is issued is subject to cancellation after issuance in the interest of public health; and (iii) additional conditions may be placed on a permit after its issuance, such as a limit on attendance, distancing and cleaning requirements, and other restrictions and conditions to protect the public health.

3. First responder resources cannot be reserved to serve special events in Phase One.
4. MSETG, in conjunction with DDOT, shall identify public space, including sidewalks, roads, and alleys, or any portions thereof, to be closed to vehicular traffic for specific days and times to allow for expanded pedestrian and bicycle usage, dedicated bus lanes, and outdoor customer seating for Phase One licensed food or retail establishments consistent with public safety. MSETG, DDOT, ABRA, and DOH shall pilot a process to designate portions of the closed public space for use by Phase One licensed food and retail establishments, with no fees imposed upon any business.

IX. EXTENSIONS OF PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY

1. The public emergency and public health emergency declared by Mayor's Orders 2020-045 and 2020-046, respectively, and extended by Mayor's Orders 2020-050, 2020-063, and 2020-066, respectively, are further extended for the duration authorized by the Council of the District of Columbia, to July 24, 2020.
2. The provisions of all Mayor's Orders concerning the COVID-19 public health emergency shall continue to apply, unless otherwise modified or superseded by this Order.

X. SUPERSESSION

This Order supersedes any Mayor's Order issued during the COVID-19 public health emergency to the extent of any inconsistency.

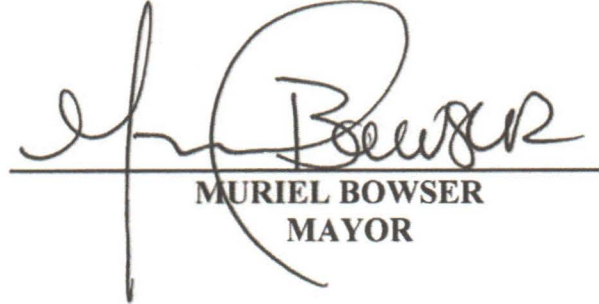
XI. ENFORCEMENT

1. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines or summary suspension or revocation of licenses.
2. Individuals should call 311 to report any suspected violations of this or other Mayor's Orders related to the COVID-19 public health emergency.
3. Official guidance posted on coronavirus.dc.gov/phaseone may be relied upon by those seeking to understand whether an activity is or is not allowed.

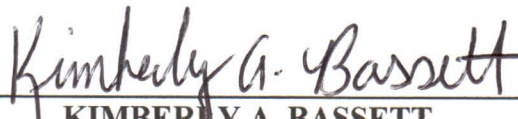
XII. EFFECTIVE DATE AND DURATION

1. This Order shall be effective at 12:01 a.m. on Friday, May 29, 2020.

2. The Order shall continue to be in effect until the date that the state of emergency is lifted or extended, but not later than the date authorized by Council, July 24, 2020, or until this Order is rescinded, superseded, or amended in writing by a subsequent Order.



MURIEL BOWSER
MAYOR

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

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

**NOTICE OF THE REIMBURSEMENT PERCENTAGE FOR
THE METROPOLITAN POLICE DEPARTMENT
REIMBURSABLE DETAIL PROGRAM**

The Alcoholic Beverage Control Board (Board), in accordance with section 2(d)(4) of the *Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019*, enacted on December 23, 2019 (A23-0185; D.C. Official Code § 25-798(c-1))(Act), hereby gives notice of an amendment to the reimbursement percentage for the Metropolitan Police Department Reimbursable Detail Reimbursement Program (RDO Program). The reimbursement percentage shall be reduced from sixty-five percent (65%) to zero percent (0%).

The RDO Program is a public safety program established by the Alcoholic Beverage Regulation Administration (ABRA) and the Metropolitan Police Department (MPD) to encourage ABC-licensed establishments to retain off-duty MPD officers to patrol the surrounding areas of the establishment during the establishment's hours of operation. Persons who obtain temporary or one-day substantial change licenses to host outdoor events or pub crawl permit holders may also participate in the RDO Program. In order to encourage participation in the RDO Program, ABRA subsidizes the cost of hiring off-duty MPD officers by paying MPD a percentage of the licensee's costs.

On March 20, 2020, in response to the spread of COVID-19, the Mayor issued Mayor's Order 2020-050, Extensions of Public Health Emergency Coronavirus: (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – Coronavirus (COVID-19). These Orders serve to extend with some changes the two previous Mayor's Orders issued March 11, 2020, (Mayor's Orders 2020-045 and 2020-046) through April 24, 2020. On March 24, 2020, the Mayor issued Order 2020-053, temporarily closing of all non-essential businesses in the District, and further prohibiting large gatherings. On April 15, 2020, the Mayor extended the public emergency and public health emergency in the District through May 15, 2020. (Mayor's Order 2020-0063).

The pandemic has had a significant adverse impact on ABC-licensed establishments and the nightlife economy. As a result of the Mayor's Orders, on-premises licensees have been required to limit their operations to carry-out and delivery services only. Additionally, the Board has suspended all on-premises alcohol sales in the District on an emergency basis. As a result of these actions, there has been no need for ABC-licensed establishments to request RDO services from MPD. Given the decline in RDO services, the Board is reducing the RDO percentage from sixty-five percent (65%) to zero percent (0%).

In accordance with the Act, the reimbursement rate will take effect thirty (30) days after this notice is published in the *D.C. Register*. Any future changes to this percentage shall be published in the D.C. Register in accordance with the Act.

Persons with questions regarding this notice may be contact ABRA General Counsel Martha Jenkins, at (202) 442-4456 or Martha.jenkins@dc.gov.

BRIDGES PUBLIC CHARTER SCHOOL**NOTICE: FOR PROPOSALS FOR PAYROLL SERVICES**

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY20-21

- Payroll Services

Proposals should be submitted in PDF format and for any further information regarding this notice at bids@bridgespcs.org no later than **4:00 pm Monday, June 8, 2020**.

BRIDGES PUBLIC CHARTER SCHOOL**NOTICE: FOR PROPOSALS FOR RELATED SERVICES**

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for **Special Education Services in-person and virtual services for SY20-21.**

- Speech Therapy Services
- Occupational Services
- Physical Therapy
- Educational Evaluations
- Psychological Evaluations
- Bilingual Speech Language Therapy and Assessments

Proposals should be submitted in PDF format and for any further information regarding this notice to bids@bridgespcs.org no later than **4:00 pm Monday, June 8, 2020.**

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

IT Support Services

Creative Minds International PCS located in Washington DC invites proposals for IT Support Service Submission deadline is 12:00 PM Eastern Time on June 10, 2020.

To request full scope and/or seek additional information, please email:

Heather Hesslink
Director of Operations & Compliance
heather.hesslink@creativemindspcs.org

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING****WEDNESDAY, JUNE 3, 2020 AT 10:00 AM
TELEPHONIC MEETING**

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

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, June 3, 2020 at 10am. The meeting will be telephonic, and members of the public may hear the meeting by calling:

Dial-in number: 1-650-479-3208

Access code: 474 094 824.

The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or ccrc@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments On:
 - (A) Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties.
 - (B) First Draft of Report #51 – Jury Demandable Offenses; and
 - (C) First Draft of Report #52 – Cumulative Update to the Revised Criminal Code Chapter 6.
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) Third Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties;
 - (B) Second Draft of Report #19 - Homicide Offenses;
 - (C) Second Draft of Report #27 – Human Trafficking and Related Statutes;
 - (D) Second Draft of Report #35 – Cumulative Update to Sections 201-213 of the RCC;
 - (E) Advisory Group Memo #33 - Supplemental Materials to the First Draft of Report #53 and the Second Draft of Report # 19;
 - (F) Advisory Group Memo #34 - Supplemental Materials to the Second Draft of Report #27;
 - (G) Advisory Group Memo #35 - Supplemental Materials to the Second Draft of Report #35;

- (H) First Draft of Report #53 – Pinkerton Liability;
- (I) First Draft of Report #54 – Prostitution and Related Statutes;
- (J) Advisory Group Memo #36 – Supplemental Materials to the First Draft of Report #54;
- (K) First Draft of Report #55 – Failure to Appear and Violation of Conditions of Release Offenses;
- (L) First Draft of Report #56 – Panhandling;
- (M) First Draft of Report #57 – Second Look;
- (N) First Draft of Report #58 – Developmental Incapacity Defense;
- (O) Advisory Group Memo #37 – Supplemental Materials to the First Draft of Report #58; and
- (P) First Draft of Report #59 – Endangerment with a Firearm.

IV. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Recruiting and Training Teacher Residents**

D.C. Bilingual Public Charter School intends to enter into a sole source contract with Urban Teaching Center for contracted curricular support for approximately \$65,000 for the upcoming school year.

- UTC has long and proven history of training novice teachers to be effective in urban education including DC public schools using their unique evidence based approach to teacher preparation.
- A partnership with the Urban Teaching Center will position D.C. Bilingual Public Charter School to achieve a full return on investment associated with the program model, through a four year commitment to teaching.
- UTC trained teachers possess deeper knowledge of and experience with our students various demographics compared to other novices, that enables them to be better equipped and prepared for their first year of lead teaching.

For further information regarding this notice contact bids@dcbilingual.org no later than **4:00 pm June 3, 2020**.

DEPARTMENT OF ENERGY AND ENVIRONMENT
BUILDING ENERGY PERFORMANCE STANDARDS TASK FORCE
NOTICE OF PUBLIC MEETING

The Task Force meeting will be held on Tuesday May 26, 2020 from 2:30 p.m. to 4:30 p.m. The meeting will be held virtually. The final agenda and details for joining the meeting will be posted on the Department of Energy and Environment's website at <https://doee.dc.gov/service/building-energy-performance-standards>.

For additional information, please contact: Kate Johnson, Chief, Green Building & Climate Branch, at (202) 299-3355 or katherine.johnson@dc.gov.

Draft Meeting Agenda

1. Administrative Items
2. Discuss complementary programs and policies
3. Announcements

DEPARTMENT OF ENERGY AND ENVIRONMENT**GREEN BUILDING ADVISORY COUNCIL****NOTICE OF PUBLIC MEETING**

The meeting will be held on June 3, 2020 from 3:00 p.m. to 5:00 p.m. The meeting will be held virtually. The final agenda and details for joining the meeting will be posted on the Department of Energy and Environment's website at <https://doee.dc.gov/publication/green-building-advisory-council-agenda-and-minutes>.

For additional information, please contact: Kathleen Berube, Program Analyst, Green Building & Climate Branch, at (202) 407-1277 or kathleen.berube@dc.gov.

Draft Meeting Agenda

1. Administrative Items
2. Clark Construction Presentation on HVAC and Wellness
3. Program and Budget Update from DOEE & DCRA
4. Discuss 2019 Green Building Report
5. Clean Energy DC Act Update
6. Building Code Update
7. Announcements

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**925 5th Street, NW

Pursuant to § 601 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312, as amended April 8, 2011, D.C. Law 18-369; D.C. Official Code § 8-636.01), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for the property located at 925 5th Street, NW, Washington, DC 20002 is 923/927 Hotel LLC, 11716 Woodthrush Lane, Potomac, 20854. The application identifies the presence of Total Petroleum Hydrocarbon (TPH) contamination, high-level arsenic contamination, RCRA Metal contamination, and semi-volatile organic compound (SVOC) contamination in soil, trace-level TPH, and low- to trace-level volatile organic compounds (VOCs) in groundwater. The proposed development calls for a high rise apartment building with ground level retail space which will be excavated to a depth of an approximately 12 feet below grade surface.

Pursuant to D.C. Official Code § 636.01(b), this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2C01) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application and supporting documents by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-1771. An electronic copy of the application may be obtained by contacting Kokeb Tareegn, Environmental Engineer at Kokeb.Tareegn@dc.gov.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2019-068 in any correspondence related to this application.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Marriage and Family Therapy (“Board”) hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board holds its meetings on a quarterly basis and the next meeting will be held on Tuesday, June 2, 2020 from 11:00 PM – 1:00 PM. The meeting will be open to the public from 11:00 AM until 11:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b) (2016 Repl.)), the meeting will be closed from 11:30 AM to 1:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Webex meeting number (access code): 473 094 809

Meeting password: AgRVg2M2Pa2

<https://dcnet.webex.com/dcnet/j.php?MTID=m5a114aeda00b1abfe1ec2744b7a2c842>

By phone

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 473 094 809

The Board’s next meetings for the year 2020 will be held at the same time on Tuesday, September 1, 2020 and Tuesday, December 1, 2020.

The agenda is available at <https://dchealth.dc.gov/publication/marriage-and-family-therapy-open-agenda>. For additional information, contact the Health Licensing Specialist at kevin.waugh@dc.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

RENTAL ACCOMMODATIONS DIVISION

**Elderly and Tenant with Disability Claim of Exemption from Housing Provider Petition
Rent Surcharge Increase Form**

Pursuant to the authority set forth in the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.04 (2012 Repl.) (“Act”), the Rent Administrator hereby gives notice of the intent to adopt the Elderly and Tenant with a Disability Claim of Exemption from Housing Provider Petition Rent Surcharge Increase Form (“Form”) related to the Rent Stabilization Program of the Act, for the purpose of registering the status of an elderly tenant or tenant with a disability with a qualifying income from being assessed a rent surcharge based on a capital improvement petition, hardship petition, substantial rehabilitation petition, changes in services and facilities petition, or voluntary agreement as provided by the Act. In accordance with § 204 of the Act, the Rental Housing Commission reviewed and approved the Form.

The Elderly and Tenants with Disabilities Protection Amendment Act of 2015 effective April 7, 2017 (D.C. Law 21-0239; D.C. Official Code § 42-3502.24) (“Amendment”) amends the Act. The Amendment provides that the rent surcharge based on a capital improvement petition, hardship petition, substantial rehabilitation petition, changes in services and facilities petition, or voluntary agreement will not be assessed against a current or future elderly tenant or tenant with a disability who has a qualifying income. The Amendment further provides that subject to annual funding limitations, housing providers may receive a tax credit for each unit occupied by a low-income elderly tenant or a low-income tenant with a disability to compensate for any approved rent charge or surcharge that is not implemented.

Persons with questions concerning this Form should contact Rental Property Program Specialist Tonya Butler-Truesdale, Department of Housing and Community Development, Housing Regulation Administration, Rental Accommodations Division, 1800 Martin Luther King, Jr. Avenue, S.E., Washington, D.C. 20020 or via email at tonya.butler-truesdale@dc.gov or call (202) 442-9505.

Elderly and Tenant with Disability Claim of Exemption from Housing Provider Petition Rent Surcharge Increase

Section 224(b) of the Rental Housing Act of 1985 (D.C. Official Code § 42-3502.24(b)) provides that rent charged or a rent surcharge based on a capital improvement petition, hardship petition, substantial rehabilitation petition, changes in services and facilities petition, or voluntary agreement will not be assessed against a current or future elderly tenant or tenant with a disability who has a qualifying income.

An elderly or disabled tenant with qualifying income who currently receives a limit of increase in the rent charged based on the Consumer Price Index for the Urban Wage Earners and Clerical Workers (CPI-W) under section 224(a) of the Rental Housing Act of 1985 must also file for an exemption from housing provider petition surcharge increase.

1. **Tenant Name and Housing Accommodation/Rental Unit**

Tenant Name: _____

Address: _____ Unit No. _____

Washington, D.C. _____

2. **Petition Type (Check One)**

_____	Hardship	_____	Services and Facilities
_____	Capital Improvement	_____	Voluntary Agreement
_____	Substantial Rehabilitation		

3. **Petition Information**

_____	\$ _____
Housing Provider Petition Case No.	Amount of Requested Rent Adjustment

4. **Tax Credit Annual Funding Limitation**

Availability of this exemption is subject to annual funding limitations for the tax credit as approved by the Council of the District of Columbia, except for rents charged pursuant to a voluntary agreement. A housing provider who provides housing to an elderly tenant or tenant with a disability, with qualifying income, will receive a \$1 for \$1 tax credit for any approved rent charge or surcharge that is not implemented under this exemption. Also, if the D.C. Office of Administrative Hearings finds that the actual tax credit falls short of the “\$1 for \$1” standard, the housing provider may impose the surcharge in its entirety on the elderly tenant or tenant with a disability.

5. **Services and Facilities Petition or Voluntary Agreement Waiver**

A tenant who qualifies for this exemption may waive his or her right to the exemption if the rent charged is based on a services and facilities petition or a voluntary agreement. If you wish to waive your right to this exemption, complete this form **and** attach a signed and dated letter stating that you voluntarily, without coercion, and with full knowledge of your right to the exemption, agree to be charged rent based on the requested increase, if it is approved.

6. **Qualifying Income**

To receive the claim of exemption from a housing provider petition surcharge increase, you must be elderly or disabled and have qualifying income. **“Qualifying Income”** depends on the size of your household and is defined by D.C. Official Code § 42-3501.03(25A) and published annually by the Rental Housing Commission. For Rent Control Year 2020 (May 1, 2020 to April 30, 2021), qualifying income is:

- | | |
|---|---|
| For a 1-person household, \$49,224 ; | For a 4-person household, \$70,320 ; and |
| For a 2-person household, \$56,256 ; | For households with more than 4 persons, |
| For a 3-person household, \$63,288 ; | \$77,352 + \$7,032 for each additional |
| | person above five. |

You must provide: copies of pay stubs, benefit statements, or copies of filed District of Columbia income tax returns. You may be required to provide additional documentation to prove that you are income eligible to qualify for an exemption from an adjustment in the rent charged.

7. **Elderly Status**

A tenant is defined in the Act as elderly if the tenant is at least 62 years of age and demonstrates the claim to the satisfaction of the Rent Administrator.

Check the applicable boxes below if this statement is true.

- I certify that I am at least 60 years of age. The following evidence of age is attached [only one of the below is required]:
 - U.S. Passport; or
 - U.S. or State-issued identification card; or
 - U.S. Birth certificate; or
 - U.S. Driver’s license; or
 - Other evidence (must be U.S. or State-based) [Specify]: _____

8. **Disabled Status**

“Disabled Tenant” means an individual who has a disability as defined in 42 U.S.C.S. §12102 [American’s With Disabilities Act] and 29 CFR 1630.2 which is defined as a

physical or mental impairment that substantially limits one or more major life activities of such individual.

Check the applicable boxes below if this statement is true.

- I certify that I am disabled as defined in the American’s With Disabilities Act.

The following evidence of disability is attached [only one of the below is required].

- Order determining status arising from a capital improvement petition.
- Award letter from the Social Security Administration with a Physician letter
- A letter from a Physician stating that I meet the definition of a “person with disabilities” under the Americans with Disabilities Act
- Other evidence [specify]: _____

9. Housing Provider Notice

If an elderly tenant or tenant with a disability with qualifying income ceases to reside in the rental unit, the housing provider must immediately notify the rent administrator and the tax credit allowed for that rental unit shall cease.

NOTE REGARDING CONFIDENTIALITY OF INFORMATION: The Rental Accommodations Division will not disclose or release copies of information submitted as part of the exemption certification process except as required by law.

This claim for exemption and supporting documentation may be mailed, faxed, emailed, or hand delivered for approval to:

D.C. Department of Housing and Community Development
 Housing Regulations Administration
 Rental Accommodations Division
 1800 Martin Luther King, Jr. Avenue, S.E.
 Washington, D.C. 20020

Facsimile Number: (202) 645-5884
 Email: dhcd.rad@dc.gov

For additional information please call (202) 442-9505.

CERTIFICATION

I certify that I am a tenant in the housing accommodation set forth above, that I am elderly and/or have a disability as represented, that the copies attached to this form are true copies of authentic documents. I further declare under penalty of law for making a false statement, as set

out in D.C. Official Code § 22-2405, that the foregoing representations and statements are true and correct to the best of my knowledge, information, and belief.

Tenant Signature

Tenant's Printed Name

Date

D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF EXCEPTED SERVICE APPOINTMENTS AND CHANGES

From December 27, 2019 to February 10, 2020

Pursuant to D.C. Official Code § 1-609.03(c), the Executive must publish the names of individuals appointed to Excepted Service positions within 45 days of appointment. The following individuals, along with the agency, title and grade, were appointed to Excepted Service or the nature of their appointment has changed.

Agency Name	Type Appt	Last Name	First Name	Position Title	Grade
Office of the Mayor	Excepted Service - Reg Appt	Eken	Andre	Staff Assistant	05
Council of the District	Excepted Service - Reg Appt	Rogoff	Gabrielle	Legislative Assistant	03
Council of the District	Excepted Service - Reg Appt	Siemson	Aimellia	Legislative Counsel	05
Council of the District	Excepted Service - Reg Appt	Cleckley	Eric	Constituent Services Specialis	01
Council of the District	Excepted Service - Reg Appt	Bell	Nathan	Legislative Counsel	04
Council of the District	Excepted Service - Reg Appt	Bettors	Jordan	Administrative Aide	01
Council of the District	Excepted Service - Temp Appt	Kennedy	Julia	Intern	01
Council of the District	Excepted Service - Temp Appt	Montrel	Joshua	Intern	01
Mayor's Ofc of Legal Counsel	Excepted Service - Reg Appt	Brown	Dorothy	Associate Director	08
Ofc of the Attorney General	Excepted Service - Temp Appt	Daigle	Stephanie	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Brunfeld	David	Trial Attorney	9

Ofc of the Attorney General	Excepted Service - Temp Appt	Delaplane	Andrew	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Vlcek	Michael	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Slover	Elizabeth	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Asim	Shahzeb	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Vlach	Kate	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Seeman	Katrina	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Rosnell	Christian	Trial Attorney	9
Ofc of the Attorney General	Excepted Service - Temp Appt	Murphy	Zachary	Trial Attorney	9
Fire & Emergency Medical Svcs	Excepted Service - Reg Appt	Gerecht	Ryan	Assistant Medical Director	11
Office of Administrative Hearin	Excepted Service - Reg Appt	McBean	Maxine	Administrative Law Judge	09
Deputy Mayor for Education	Excepted Service - Reg Appt	Hill	LaShunda	Executive Director	08
Deputy Mayor for Education	Excepted Service - Reg Appt	Warren	Courtney	Policy Analyst	06
Department of Human Services	Excepted Service - Reg Appt	Howard	Christian	Special Assistant	08

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY
PUBLIC CHARTER SCHOOL**

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Urban Teacher Center for Teacher Residents

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT: IDEA Integrated Design and Electronic Academy PCS intends to enter into a sole source contract with Urban Teacher Center for Teacher Residents for approximately \$62,500 for the upcoming school year. Urban Teachers has a unique capacity to prepare, certify, and support new educators to be highly effective so they can provide high-quality education for children. For further information regarding this notice contact Nicole Seward at nseward@ideapcs.org no later than 6/9/20.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Printing and Shipping Services**

KIPP DC is soliciting proposals from qualified vendors for Printing and Shipping Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM ET on June 9, 2020. Questions can be addressed to tania.honig@kippdc.org.

MUNDO VERDE PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Apple Inc**

Mundo Verde Public Charter School intends to enter into a sole source contract with Apple Inc for computers, Ipads and relevant accessories for over \$25,000 for the upcoming school year.

- Mundo Verde PCS is an Apple product based school and uses these products for administrative and instructional purposes, specifically for our Expeditionary Learning model.
- Apple Inc constitutes the sole source for all Apple products with educational discounts.

For further information regarding this notice contact **Elle Carne at ecarne@mundoverdepcs.org**.

EL Education

Mundo Verde Public Charter School intends to enter into a sole source contract with EL Education for over \$25,000 for the upcoming school year. As an EL school, MVPCS has a need for continuing professional development around EL principals. EL Schools constitutes the sole source for expeditionary learning professional development services.

For further information regarding this notice contact **Elle Carne at ecarne@mundoverdepcs.org**.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Various Services**

1. **Student Services.** MVPCS is seeking proposals for Evaluations, Individualized Instruction, and Specialized Services for SY21 and possible yearly extensions. Services and evaluation needs may change throughout the year due to referrals, new enrollment and withdrawal of students. Please contact Elle Carne at ecarne@mundoverdepcs.org for full RFP details. **All bids are due via email on June 12 at 3pm. Any bids not addressing all areas as outlined in the RFP will not be considered.**
2. **School Uniforms.** MVPCS is seeking proposals for uniforms (t-shirt with Mundo Verde Logo) for SY21 and possible yearly extensions. Please contact Elle Carne at ecarne@mundoverdepcs.org for full RFP details. **All bids are due via email on June 12 at 3pm. Any bids not addressing all areas as outlined in the RFP will not be considered.**
3. **Grounds Maintenance and Snow Removal.** MVPCS is seeking proposals for grounds maintenance and snow removal for SY21 and possible yearly extensions. Please contact Elle Carne at ecarne@mundoverdepcs.org for full RFP details. **All bids are due via email on June 12 at 3pm. Any bids not addressing all areas as outlined in the RFP will not be considered.**
4. **Computers, Related Technology and Support.** MVPCS seeks bids for computers and related accessories for student testing as well as IT support for staff Apple products and student chromebooks for SY21 and possible yearly extensions. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids are due via email on June 12 at 3pm. All bids not addressing all areas as outlined in the RFP will not be considered.**
5. **Wellness Support for Students, Staff and Families.** MVPCS seeks bids for supporting student, staff and family mental health for the school for SY21 and possible yearly extensions. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids are due via email on June 12 at 3pm. All bids not addressing all areas as outlined in the RFP will not be considered.**

6. **Staff Professional Development.** MVPCS seeks bids for staff professional development specifically related to equity and language acquisition for SY21 and possible yearly extensions. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids are due via email on June 12 at 3pm. All bids not addressing all areas as outlined in the RFP will not be considered.**

7. **Classroom Furniture.** MVPCS seeks bids for classroom furniture for SY21 and possible yearly extensions. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids are due via email on June 12 at 3pm. All bids not addressing all areas as outlined in the RFP will not be considered.**

8. **Janitorial Supplies.** MVPCS seeks bids for environmentally friendly janitorial supplies for SY21 and possible yearly extensions. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids are due via email on June 12 at 3pm. All bids not addressing all areas as outlined in the RFP will not be considered.**

Note that the contract may not be effective until reviewed and approved by the District of Columbia Public Charter School Board.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

PEPRADR 2020-01, THE POTOMAC ELECTRIC POWER COMPANY'S
RESIDENTIAL AID DISCOUNT COMPLIANCE REPORTS AND FILINGS;

AND

FORMAL CASE NO. 1120, IN THE MATTER OF THE INVESTIGATION INTO
THE STRUCTURE AND APPLICATION OF LOW-INCOME ASSISTANCE FOR
ELECTRICITY CUSTOMS IN THE DISTRICT OF COLUMBIA,

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 and in accordance with Section 2-505 of the District of Columbia Code,¹ of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) Rider - Residential Aid Discount Surcharge (Rider RADS) filed on April 15, 2020,² in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. In *Formal Case No. 1053*, the Commission established the Residential Aid Discount (RAD) Surcharge, the means by which Pepco recovers the costs of the subsidy for the RAD Program for low-income electricity customers in the District of Columbia.³ Subsequently, pursuant to the Residential Aid Discount Subsidy Stabilization Amendment Act of 2010 (the Act of 2010),⁴ the Commission, in Order No. 15986, directed Pepco to seek a true-up for the surcharge on an annual basis, commencing January 2011, in the event of an over or under collection of the RAD Surcharge and to address any changes in income eligibility criteria.⁵

¹ D.C. Code § 2-505 (2016 Repl.) and D.C. Code § 34-802 (2012 Repl.).

² *PEPRADR 2020-01, In the Matter of Potomac Electric Power Company's Residential Aid Discount Compliance Reports and Filings (PEPRADR 2020-01) and Formal Case No. 1120, In the Matter of the Investigation into the Structure and Application of Low Income Assistance for Electricity Customers in the District of Columbia (Formal Case No. 1120)*, Potomac Electric Power Company's (Pepco) Rider - Residential Aid Discount Surcharge (Rider RADS), filed April 15, 2020.

³ *Formal Case No. 1053, In the Matter of the Application of Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service (Formal Case No. 1053)*, Order No. 14712, rel. January 30, 2008.

⁴ D.C. Law 18-195, Residential Aid Discount Subsidy Stabilization Amendment Act of 2010; D.C. Code § 8-1774.14 (2016).

⁵ *Formal Case No. 945, In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices, and Formal Case No. 813, In the Matter of Application of Potomac Electric Power Company for an Increase in its Retail Rates for the Sale of Electric Energy*, Order No. 15986, ¶¶ 6, 13, rel. September 20, 2010.

3. In *Formal Case No. 1120*, Order No. 18059, the Commission adopted a new methodology for computing the RAD subsidy and implemented a Residential Aid Credit (RAC), which is equal to the full Distribution Charge plus certain applicable surcharges.⁶ The new methodology for calculating the RAD subsidy became effective on June 1, 2016.⁷

4. On April 15, 2020, in compliance with the Act of 2010 and Order Nos. 15986 and 18059, Pepco filed its annual update to the Rider RADS. Pepco states that this is the third RAD Surcharge filing since the new program was established. Based upon our preliminary review of the Rider RADS, Pepco's filing is consistent with the approved methodology for computing the RAC. In the Rider Update, Pepco proposes to amend the following tariff pages:

Rate Schedules for Electric Service in the District of Columbia,

P.S.C. of D.C. No. 1

**One Hundred Ninth Revised Page No. R-1
Superseding One Hundred Eighth Revised Page No. R-1**

**One Hundred Ninth Revised Page No. 2
Superseding One Hundredth Eighth Revised Page No. 2**

**One Hundred Second Revised Page No. R-2.1
Superseding One Hundred First Revised Page No. R-2.1**

**One Hundred Second Revised Page No. R-2.2
Superseding One Hundred First Revised Page No. R-2.2**

**Eleventh Revised Page No. R-46
Superseding Tenth Revised Page No. R-46**

5. In its tariff filing, Pepco provides the RADS true-up calculation from June 2019 through February 2020 and the calculation of the new RAD Surcharge.⁸ Pepco asserts that the RAD Surcharge collections from this period resulted in an over-collection of \$1,210,738.⁹ Pepco's filing also forecasts an over-collection of \$335,597 from March through May 2020.¹⁰

⁶ *Formal Case No. 1120*, Order No. 18059, ¶¶ 31, 34, rel. December 15, 2015 (Order No. 18059).

⁷ *Formal Case No. 1120*, Order No. 18059, ¶ 35.

⁸ *PEPRADR 2020-01*, Rider RADS at 1; Attachment B.

⁹ *PEPRADR 2020-01*, Rider RADS at 1; Attachment B at 2.

¹⁰ *PEPRADR 2020-01*, Rider RADS at 1; Attachment B at 1, 3.

6. Pepco asserts that the estimated cost of the RAC from June 2020 through May 2021 is \$5,335,708 and is also included in the calculation of the surcharge.¹¹ Pepco calculates that the estimated cost is below the level of \$5.75 million established in Order Nos. 15986 and 17545.¹² Pepco speculates that it is possible that future subsidy amounts may increase if more customers participate in the program, but the Company pledges its support of increasing future subsidy levels to accommodate participation growth.¹³

7. Pepco calculates that as a result of the over-collection from June 2016 through May 2020 and the cost of the RAC from June 2019 through May 2020, the RAD Surcharge will decrease from the current surcharge rate of \$0.000634 per kilowatt-hour, which became effective November 19, 2019, to the proposed \$0.000477 per kilowatt-hour.¹⁴

8. Any person interested in commenting on the subject matter of this proposed tariff may submit written comments not later than thirty (30) days 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 submitted electronically on the Commission's website at https://edocket.dcpsec.org/public/public_comments. Copies of the proposed tariff may be obtained by visiting the Commission's website at www.dcpsec.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPT should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on Pepco's Rider RADS tariff filing.

¹¹ *PEPRADR 2020-01*, Rider RADS at 1; Attachment B at 1, 4.

¹² *PEPRADR 2020-01*, Rider RADS at 1.

¹³ *PEPRADR 2020-01*, Rider RADS at 1-2.

¹⁴ *PEPRADR 2020-01*, Rider RADS at 2; Attachment A.

SOCIAL JUSTICE PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

COMPUTER HARDWARE AND INFORMATION TECHNOLOGY

**5450 3rd Street NE,
Washington, DC 20011**

May 15, 2020

I. INTRODUCTION

The Social Justice Public Charter School (SJS) is soliciting proposals/quotes from qualified Hardware/IT dealers for the procurement of computer hardware and IT equipment for its students and located at 5450 3rd Street NE, Washington, DC 20011.

II. SOCIAL JUSTICE PUBLIC CHARTER SCHOOL

SJS is a new 5-8 public charter school opening in the Lamond-Riggs/Fort Totten neighborhood of Washington, DC opening in August 2020.

During its first school year, SJS will serve 75 students – 25 5th graders and 50 6th graders. Each year SJS will increase its capacity by 75 seats and will ultimately serve 300 students in grades 5-8 at capacity.

III. SCOPE & REQUIREMENTS

Scope of Work:

- **SJS:** SJS will be moving into 4 brand new classrooms and office space located at 5450 3rd Street NE, Washington DC. SJS is requesting the following to hardware and IT for its students and staff:

	Item	Quantity	Notes
Hardware			
	Chromebook	90	Must be durable and able to withstand student drops
	Laptop and Charging Cart	3	Laptop Carts should hold 30 Chromebook each

	Desktop Computer (with mouse, monitor, and keyboard)	12	For Student Usage; Must be compatible with 3D Printers
	Laptops	14	For Staff Usage; Must be compatible with Microsoft Office
	3D Printer	3	For educational use
	Color Desktop Printers	4	For Student and Staff Usage (must use minimal ink)
	Headphones	90	For Student Chromebook Usage; Must be Durable
	Hotspots with Service	30	Must be able to accommodate distance learning

Responses should be based on the aforementioned computer hardware and IT equipment and shall include the following:

- Proposal should outline all costs including any labor, trucking, installation, and materials costs
- Experience working with other schools and non-profits in the procurement of computer hardware and IT equipment
- Confirmation/commitment to below timeline for order & installation date

IV. PROJECT TIMELINE

June 5: Proposals/Quotes due

July 30 – August 5: Delivery & Installation

IV. INSTRUCTIONS TO BIDDERS

1. Bid Submission: **Bids shall be submitted no later than June, 5 at 5:00pm. Bids must be emailed** to reginald@thesocialjusticeschool.org. Proposals should be made out to:

Reginald Galloway
 Social Justice PCS
 5450 3rd Street NE
 Washington, DC 20011

Proposals received after this time are subject to rejection.

For questions please contact:
 Reginald Galloway at SJS
 Email: reginald@thesocialjusticeschool.org

2. Proposal Evaluation/Award: SJS will award services to the firm which, in SJS’ judgment,
 [2]

is in SJS' own best interest. SJS' reserves the right to reject any and/or all Proposals when such rejection is in the interest of SJS in its sole and absolute discretion.

V. SJS DC RESERVATION OF RIGHTS

Any proposal not providing the required information, or not conforming to the format specified in this RFP, may be disqualified on that basis.

SJS reserves the right, in its sole and absolute discretion (for this provision and all other provisions contained in this RFP), to accept or reject, in whole or in part, any or all proposals with or without cause.

SJS further reserves the right to waive any irregularity or informality in the RFP process or any proposal.

SJS further reserves the right to make corrections or amendments due to errors identified in proposals by **SJS** or the bidder.

SJS further reserves the right to modify and/or amend the final contract in negotiation with the contractor.

SJS further reserves the right to select one or more bidders to perform the service

SOCIAL JUSTICE PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

SCHOOL FURNITURE

**5450 3rd Street NE,
Washington, DC 20011**

May 15, 2020

I. INTRODUCTION

The Social Justice Public Charter School (SJS) is soliciting proposals/quotes from qualified furniture dealers for the procurement of furniture for classrooms and admin offices in a compact section of the building on the 1st floor of its campus located at 5450 3rd Street NE, Washington, DC 20011.

II. SOCIAL JUSTICE PUBLIC CHARTER SCHOOL

SJS is a new 5-8 public charter school opening in the Lamond-Riggs/Fort Totten neighborhood of Washington, DC opening in August 2020.

During its first school year, SJS will serve 75 students – 25 5th graders and 50 6th graders. Each year SJS will increase its capacity by 75 seats and will ultimately serve 300 students in grades 5-8 at capacity.

III. SCOPE & REOUIREMENTS

Scope of Work:

- **SJS:** SJS will be moving into 4 brand new classrooms and office space located at 5450 3rd Street NE, Washington DC. SJS is requesting the following to furnish its new space:

	Item	Quantity	Notes
Middle School Classrooms (Gr.5-8)	Chairs (Gr. 5-8)	60	Student Chairs
	Rolling Desks (Gr. 5-8)	60	Rolling Desks with wheels (must be aligned with aforementioned chairs)
	Rolling Whiteboards	2	Rolling Whiteboards with wheels

[1]

	Rolling Teachers Desks	2	Rolling Teachers Desks with wheels
	Rolling Teachers Chairs	4	Comfortable, supportive seating. With arms.
	In-Classroom Student storage containers	60	Small, compact, foldable if possible
	Large Storage Cabinet	2	
	Student Computer Stations	4	Must be able to support an Apple Mac Station
	Classroom Clocks	1	Traditional Classroom Clocks
	Classroom Digital Timer	1	
	Large Bookshelf	2	
Makerspace Classroom (Gr. 5-8)			
	Elevated or Raised Science Tables (Gr. 5-8)	4	
	Stools (for HS Science Tables)	25	Must have back support
	Large Storage Cabinet	1	
	Rolling Teachers Desks	1	Rolling Teachers Desks with wheels
	Rolling Teachers Chairs	2	Comfortable, supportive seating. With arms.
	Student Computer Stations	6	Must be able to support an Apple Mac Station
	Classroom Clocks	1	
	Classroom Digital Timer	1	
	Large Bookshelf	1	
Teacher, Admin & Office Furniture			
	Teacher Chairs	4	
	Teacher Desks	2	
	2-Drawer Vertical File Cabinet	2	
Inclusion/SPED Classroom (Gr. 5-8)			
	Chairs (Gr. 5-8)	15	Student Chairs
	Rolling Desks (Gr. 5-8)	15	Rolling Desks with wheels (must be aligned with aforementioned chairs)
	Rolling Whiteboards	2	Rolling Whiteboards with wheels
	Rolling Teachers Desks	2	Rolling Teachers Desks with wheels

	Rolling Teachers Chairs	4	Comfortable, supportive seating. With arms.
	In-Classroom Student storage containers	15	Small, compact, foldable if possible
	Large Storage Cabinet	1	
	Student Computer Stations	2	Must be able to support an Apple Mac Station
	Classroom Clocks	1	Traditional Classroom Clocks
	Classroom Digital Timer	1	
	Room Divider	1	Mobile Divider to Spilt rooms
	Large Bookshelf	1	
	Circular Group Table	2	Fits 4 students and 1 teacher (Small Group)

Responses should be based on the subsequent furniture descriptions and furniture images, and shall include the following:

- Proposal should outline all costs including any labor, trucking, installation, and materials costs
- Experience working with other non-profits in the procurement of classroom & admin furniture
- Confirmation/commitment to below timeline for order & installation date

IV. PROJECT TIMELINE

June 5: Proposals/Quotes due

July 30 – August 5: Delivery & Installation

IV. INSTRUCTIONS TO BIDDERS

1. Bid Submission: **Bids shall be submitted no later than June, 5 at 5:00pm. Bids must be emailed** to reginald@thesocialjusticeschool.org. Proposals should be made out to:

Reginald Galloway
 Social Justice PCS
 5450 3rd Street NE
 Washington, DC 20011

Proposals received after this time are subject to rejection.

For questions please contact:

Reginald Galloway at SJS
Email: reginald@thesocialjusticeschool.org

2. Proposal Evaluation/Award: SJS will award services to the firm which, in SJS' judgment, is in SJS' own best interest. SJS' reserves the right to reject any and/or all Proposals when such rejection is in the interest of SJS in its sole and absolute discretion.

V. SJS DC RESERVATION OF RIGHTS

Any proposal not providing the required information, or not conforming to the format specified in this RFP, may be disqualified on that basis.

SJS reserves the right, in its sole and absolute discretion (for this provision and all other provisions contained in this RFP), to accept or reject, in whole or in part, any or all proposals with or without cause.

SJS further reserves the right to waive any irregularity or informality in the RFP process or any proposal.

SJS further reserves the right to make corrections or amendments due to errors identified in proposals by **SJS** or the bidder.

SJS further reserves the right to modify and/or amend the final contract in negotiation with the contractor.

SJS further reserves the right to select one or more bidders to perform the service

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Recruiting and Training Teacher Residents**

Washington Global Public Charter School intends to enter into a sole source contract with Urban Teaching Center for contracted curricular support for approximately \$55,000 for the upcoming school year.

- UTC has long and proven history of training novice teachers to be effective in urban education including DC public schools using their unique evidence based approach to teacher preparation.
- A partnership with the Urban Teaching Center will position Washington Global Public Charter School to achieve a full return on investment associated with the program model, through a four-year commitment to teaching.
- UTC trained teachers possess deeper knowledge of and experience with our students various demographics compared to other novices, that enables them to be better equipped and prepared for their first year of lead teaching.

For further information regarding this notice contact bids@washingtonglobal.org no later than **4:00 pm June 3, 2020.**

**DEPARTMENT OF YOUTH REHABILITATION SERVICES
NOTICE OF FUNDING AVAILABILITY**

Capacity Building for the Community Program Initiative Grant

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

Beginning 5/29/2020, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

Download from the DYRS website, www.dyrs.dc.gov. Select the *Doing Business with DYRS* tab and click on the request for applications link.

Email a request to dyrscapacitybuilding.2021@dc.gov with “Request copy of Capacity Building RFA” in the subject line.

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

The deadline for application submissions is 6/29/2020, at 4:30 p.m. All applications must be submitted through the Philantrack system.

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

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

For additional information regarding this RFA, write to: dyrscapacitybuilding.2021@dc.gov.

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

Application No. 19557-A of Government of the Commonwealth of Australia, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved by Order No. 19557 to refine several components of the architectural elements and open spaces of the Australian chancery building in MU-15 zone at 1601 Massachusetts Avenue, N.W. (Square 181, Lot 162).

HEARING DATE (19557):	September 13, 2017
DECISION DATE (19557):	September 13, 2017
ORDER ISSUANCE DATE (19557):	December 4, 2017
MODIFICATION DECISION:	March 18, 2020 and May 6, 2020

NOTICE OF FINAL RULEMAKING

and

DETERMINATION AND ORDER

The Board of Zoning Adjustment (“Board”), pursuant to the authority set forth in § 306 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code § 6-1306 (2012 Repl.)) and Subtitle X of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations”] to which all references herein are made unless otherwise specified) hereby gives notice that it took final action not to disapprove the application of The Commonwealth of Australia (“Applicant”) for a modification of consequence to the plans approved in BZA Order No. 19557 to replace an existing chancery use by demolishing the existing chancery building and replacing it with a new chancery building in the MU-15 zone at premises 1601 Massachusetts Avenue, N.W. (Square 181, Lot 162) (the “Property”). A notice of proposed rulemaking was published in the February 28, 2020 edition of the *D.C. Register*. (67 DCR 2387.) The public meeting on this case was postponed from March 18, 2020 to May 6, 2020.

Background

In Application No. 19557 (the “Original Application”), the Board determined not to disapprove the Applicant’s request to replace an existing chancery use by demolishing the existing Australian chancery building and replacing it with a new chancery building. Order No. 19557 (the “Original Order”) was issued on December 4, 2017 and was subject to the approved plans in Exhibits 41B1-41B2 of the case record for Application No. 19557 (the “Approved Plans”).

Modification of Consequence

On January 22, 2020, the Applicant filed a request for a modification of consequence to refine several components of the architectural elements and open spaces shown in the Approved Plans. (Exhibits 1-6.) Specifically, the Applicant proposed the following four modifications: (i) refinements to the final detailing of the building façade materials; (ii) an increased height for one of the three approved public art “zones” in public space adjacent to the building on 16th Street to accommodate the final artwork selected for that location; (iii) removal of one street tree in public space on Massachusetts Avenue to achieve compliance with the District’s tree spacing requirements; and (iv) the addition of exterior “Embassy of Australia” signage with up-lighting on the knee wall adjacent to the building’s main entrance.

The Applicant’s requested modification of the Original Order complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.”

Pursuant to Subtitle Y §§ 703.8-703.9, the request for modification of consequence shall be served on all other parties to the original application and those parties shall be allowed at least ten days to submit a response to the request. Although there were no parties to the Original Application as it was a rulemaking proceeding,¹ the Applicant provided notice of the request for modification of consequence to Advisory Neighborhood Commission (“ANC”) 2B, the affected ANC, on January 22, 2020. (Exhibit 4.) The ANC submitted a report dated February 21, 2020 (the “ANC Report”) indicating that at a regularly scheduled, properly noticed public meeting on February 12, 2020, at which a quorum was present, the ANC voted to support the modification. (Exhibit 13.)

The Applicant also served its request on the Office of Planning (“OP”). (Exhibit 4.) OP submitted a report dated March 6, 2020 (the “OP Report”) recommending that the Board not disapprove the requested modification of consequence. (Exhibit 15.)

The District Department of Transportation (“DDOT”) also submitted a report dated March 5, 2020, (the “DDOT Report”) indicating that it had no objection to the proposed modification. (Exhibit 14.) The DDOT Report noted, however, that some elements of the Applicant’s proposal will require Public Space Committee approval and a covenant of maintenance.

A notice of proposed rulemaking was published in the February 28, 2020 edition of the *D.C. Register*. No comments were received in response.

¹ Pursuant to Subtitle X § 203.2, an application to locate, replace, or expand a chancery use not otherwise permitted as a matter-of-right, to implement the Foreign Missions Act, approved August 24, 1982 (96 Stat. 282, as amended; D.C. Official Code §§ 6-1301 to 6-1315 (2012 Repl.) shall be considered a rulemaking proceeding. Under Subtitle Z § 506.2, there are no parties to a rulemaking proceeding.

Foreign Missions Act Criteria

When determining whether to not disapprove a modification of consequence, the Board applies the standards applicable to the original application. Pursuant to § 406(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board must consider six enumerated criteria when reviewing a chancery application. The provision further dictates who is to make the relevant finding for certain factors. The factors and relevant findings are as follows:

1. **The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.**

In a letter dated July 20, 2017, the Department of State determined that favorable action on the Original Application would fulfill the international obligation of the United States to facilitate the Commonwealth of Australia in acquiring adequate and secure premises to carry out their diplomatic mission. (Exhibit 32 for Application No. 19557.) The Board concludes that the proposed modifications would not affect this determination.

2. **Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.**

The existing structure is a non-contributing to the Massachusetts Avenue and 16th Street Historic Districts. Pursuant to 11-X DCMR § 203.6, the Original Application was referred to the chair of the Historic Preservation Review Board on July 7, 2017 to report as to whether the substantive criteria of this factor were met. (Exhibit 19 for Application No. 19557). No report was received.

The Office of Planning (“OP”), which includes the Historic Preservation Office, concluded that the Approved Plans in the Original Application were generally compatible with the neighborhood and that the public space design related well to the surrounding context. (Exhibit 44 in Application No. 19557.) After reviewing the proposed modifications, OP found that the Applicant has “essentially satisfied and maintained the initial requests expressed by Historic Preservation, Public Space, and DDOT staff” and the proposed modifications are “within approved guidelines, including the placement of security measures, street trees, street furniture and other public space design elements within the historical context of the public space along Massachusetts Avenue and 16th Street, to ensure the provision of active street fronts.” (Exhibit 15.) Based on the record, the Board concludes that this criterion is met.

3. **The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.**

The Board concurs with the findings reached by the DDOT in the Original Application that the impacts of the replacement of the chancery building to the surrounding vehicle network will be minimal. (Exhibit 45 for Application No. 19557.) In addition, the Board credits OP's findings for the Original Application that the Applicant will provide adequate vehicle parking spaces in a below-ground garage. (Exhibit 44 for Application No. 19557.) Further, parking access and loading functions would take place off the alley, in conjunction with security screening, and long-term bicycle parking for 27 spaces would be provided north of the site under a canopy cover. The Board also credits OP's finding in the Original Application that this site is adequately served by public transportation and is within one mile of three Metrorail stations: Farragut West, Farragut North, and Dupont Circle. (Exhibit 44 in Application No. 19557.)

The Department of State, after consulting with the Federal agencies authorized to perform protective services, determined that there exist no special security requirements relating to parking in the Original Application. (Exhibit 32 in Application No. 19557.) These aspects of the project will not be affected by the modification requested; therefore, the Board determines that this criterion is met.

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

After consulting with Federal agencies authorized to perform protective services, the Department of State determined that the subject site and area are capable of being adequately protected. (Exhibit 32 in Application No. 19557.) This aspect of the project will not be affected by the modification of the approved plans; therefore, the Board concludes that this criterion is met.

5. The municipal interest, as determined by the Mayor.

OP, on behalf of the Mayor of the District of Columbia, determined that approving the Original Application was in the municipal interest and is generally consistent with the Comprehensive Plan for the Nation's Capital and the Zoning Regulations. (Exhibit 44 for Application No. 19557.) The OP Report noted that the height, bulk, setback, loading, parking, penthouse, and other zoning requirements approved in Original Order are not being altered in the proposed modification of consequence application, and no additional zoning relief is proposed. (Exhibit 15.) OP was also supportive of the modifications proposed in the current Application; therefore, the Board finds that this criterion is met.

6. The federal interest, as determined by the Secretary of State.

The Department of State determined that there is federal interest in this project. Specifically, the Department of State acknowledged the Government of the Commonwealth of Australia's assistance in addressing the United States' land use needs in Canberra. Such cooperation was essential for successfully achieving the Federal Government's mission for providing safe, secure, and functional facilities for the conduct of U.S. diplomacy and the promotion of U.S. interests

worldwide. (Exhibit 32 for Application No. 19557.) This aspect of the project will not be affected by the modification of consequence requested; therefore, the Board concludes that this criterion is met.

“Great Weight” to the Written Report of the ANC

The Board 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 Y § 406.2. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)

The ANC Report raised no issues or concerns to which the Board could afford great weight.

DECISION

Based upon its consideration of the six criteria discussed above, and having given great weight to the ANC, the Board has decided not to disapprove the application. Accordingly, it is hereby **ORDERED** that the application is **NOT DISAPPROVED**, and that the Property shall be developed subject to the Approved Plans at Exhibit 41B1-41B2 in the record of Application No. 19557, as modified by the revised plans at Exhibit 3 in the record of Application No. 19557A.

VOTE: 4-0-1 (Frederick L. Hill, Peter G. May, Lorna L. John, and Marcel C. Acosta to Not Disapprove; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 18, 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.

**BZA APPLICATION NO. 19557-A
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20185 of David Baillat and Marc Knobbe, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, and pursuant to Subtitle X, Chapter 10, for a variance from the lot occupancy requirements of Subtitle E § 304.1, to construct rear addition to an existing attached principal dwelling unit in the RF-1 zone at premises 727 7th Street, N.E. (Square 890, Lot 22).

HEARING DATE: January 29, 2020

DECISION DATE: January 29, 2020

DECISION AND ORDER

This self-certified application was submitted on October 23, 2019 on behalf of David Baillat and Marc Knobbe, the owners of the property that is the subject of the application (collectively, the “Applicant”). Following a public hearing, the Board voted to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda and letters dated December 9, 2019, the Office of Zoning provided notice of the application and the public hearing to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Office of Advisory Neighborhood Commissions; the Councilmember for Ward 6 as well as the Chairman and the four at-large members of the D.C. Council; Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the subject property is located; Single Member District ANC 6C05; and ANC 6A, whose boundaries are within 200 feet of the Applicant’s property. Pursuant to 11 DCMR Subtitle Y § 402.1, on December 9, 2019, the Office of Zoning mailed letters providing notice of the hearing to the Applicant and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on November 22, 2019. (66 DCR 15413.)

Party Status. In accordance with Subtitle Y § 403.5, the Applicant and ANC 6C 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, describing the proposed addition as a means “to provide more usable interior space ... that is screened and buffered from the nuisances associated with the adjacent commercial uses.” (Exhibit 28.)

OP Report. By memorandum dated January 16, 2020, the Office of Planning recommended approval of the zoning relief requested by the Applicant. (Exhibit 30.)

DDOT. By memorandum dated January 10, 2020, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 31.)

ANC Report. By letter dated January 27, 2020, ANC 6C indicated that, at a duly noticed public meeting on January 8, 2020, with a quorum present, the ANC voted to oppose the application “because it fails to satisfy the applicable variance standards.” (Exhibit 34.)

Persons in support. The Board received letters from persons in support of the application. The persons in support generally cited the small size of the planned addition, which would make the Applicant’s property more livable without obstructing views from neighboring properties.

FINDINGS OF FACT

1. The property that is the subject of this application is a parcel on the east side of 7th Street south of its intersection with H Street, N.E. (Square 890, Lot 22).
2. The subject property is rectangular, 16.25 feet wide and 116 feet deep. The lot area is 1,885 square feet.
3. The subject property is bordered by 7th Street on the west, a public alley 10 feet wide on the north, and another public alley, approximately 16 feet wide, on the east. An attached dwelling adjoins the Applicant’s property to the south.
4. The Applicant’s property is improved with a wood-framed attached dwelling, built in 1910, extending approximately 31 feet from the front of the lot. The front portion is 21 feet and two stories in height. An existing one-story rear addition, approximately 18 feet, 10.5 inches deep and 10 feet, eight inches wide, contains a kitchen. An accessory garage structure is located at the rear of the lot, extending approximately 34 feet from the rear lot line.¹
5. The existing dwelling contains approximately 1,269 square feet of space and lacks a habitable basement. Its cellar, which has a floor-to-ceiling height ranging from 5.5 to 6 feet, is used to house equipment for heating and cooling the residence.

¹ According to the Applicant, both the dwelling and the accessory structure were built in 1910. ANC 6C contended that “[p]ublic records do not support this claim,” citing a 1921 Baist atlas that “shows no accessory structures in the rear yard” of the Applicant’s property. However, the ANC did not dispute that the accessory structure is an existing improvement on the subject property that long predates the Applicant’s ownership of the lot and contributes to the existing nonconforming nature of the subject property with respect to lot occupancy.

6. The Applicant's dwelling is smaller than nearby residences, which also have two stories but are made of brick and are about 30 feet tall. Neighboring dwellings generally have full basements and, in some cases, have rear additions deeper than the Applicant's dwelling.
7. The accessory structure at the subject property is not connected to the Applicant's dwelling and does not contain habitable interior space but is used as a garage for two vehicles parked in tandem. The accessory structure has doors providing access from each of the abutting alleys, one at the rear of the lot and the other toward the front of the building on its northern façade.
8. The subject property is nonconforming with respect to lot width at 16.4 feet, where a minimum of 18 feet is required pursuant to Subtitle E § 201.1, and lot occupancy, at 67.3%, where a maximum of 60% is allowed as a matter of right pursuant to Subtitle E § 304.1.
9. A wooden fence, seven feet high, was installed along the northern lot line extending from the Applicant's dwelling to the accessory structure, abutting the public alley that separates the subject property from nearby commercial uses on H Street. The configuration of the Applicant's dwelling results in an open area, approximately 18 feet deep and five feet, eight inches wide, between the existing rear addition and the fence.
10. The Applicant proposes to construct a one-story rear addition that would widen the existing rear addition to "fill the gap" between the existing dwelling and the northern lot line. The new construction will have an area of 107 square feet and would increase lot occupancy to approximately 73%.²
11. Properties to the south, east, and west of the subject property are generally improved with row dwellings. Properties to the north are generally improved with larger buildings devoted to commercial uses. Several commercial buildings directly north of the subject property have trash storage facilities at the rear of their lots, accessible from the public alley.
12. The subject property and properties in the immediate vicinity are located in the RF-1 zone. The Residential Flat (RF) zones are residential zones that provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two dwelling units. The RF zones mapped in areas identified as low-, moderate-, or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E §§ 100.1, 100.2.)
13. Provisions of the RF zones are intended to: (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place,

² The Applicant testified that the new construction would result in 72 percent lot occupancy (*see* Exhibit 8) while the Office of Planning report reflects a proposed lot occupancy of 73 percent (*see* Exhibit 30).

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; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of record; (d) establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of rowhouse and other structures for flats; and (f) prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone. (Subtitle E § 100.3.) In particular, the purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted. (Subtitle E § 300.1.)

14. Properties fronting on H Street to the north of the subject property are mapped as H Street Northeast Neighborhood Mixed-Use zones. Areas to the north and northeast are included in the Retail sub-district (NC-16 and NC-17), which is intended to encourage retail uses and a scale of development and a mixture of building uses generally compatible in scale with existing buildings, at moderate or medium density. (See Subtitle H §§ 900.12, 900.13.) An area to the northwest of the subject property is included in the Housing sub-district (NC-11), which permits mixed-use development at a medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors. (Subtitle H § 900.6.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the lot occupancy requirement under Subtitle E § 304.1 to allow a rear addition to an existing attached principal dwelling in the RF-1 zone. 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 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); *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

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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 case, the Board concurs with the Applicant that the subject property exhibits an exceptional situation or condition associated with the existing improvements on the lot, specifically the characteristics of the Applicant's dwelling that result in limited interior habitable space as compared to other surrounding residential buildings, and the layout of the Applicant's dwelling in relation to adjacent commercial properties. The Applicant demonstrated that these characteristics for this row dwelling on the subject property are different than neighboring residences: (1) it is smaller in massing and height than neighboring residences; (2) it has a non-habitable basement with 6.083 foot ceiling as shown in Exhibit 5 and therefore has less livable interior space; and (3) the existing configuration of the Applicant's dwelling results in an open area of essentially unusable space in the rear yard. While neighboring properties either do not have courts or their courts are situated on the interior of the lot, thereby avoiding the creation of the sort of "gap" present at the Applicant's property between the dwelling and adjoining non-residential uses (*see* Exhibit 28). The narrow configuration of the "gap" at the Applicant's property prevents the installation of landscaping or other means of screening the Applicant's property from the abutting public alley or the trash storage facilities of the nearby commercial uses. No other property in the vicinity exhibits the same configuration of existing improvements and proximity to higher density non-residential uses that inhibits the use of an entire parcel.

The Office of Planning testified that the subject property faces an exceptional situation because the "house is one of the smallest in the neighborhood." (Exhibit 30). ANC 6C disagreed, contending that "the property sits on a conventional rectangular lot" with dimensions "well within the range typical of Capitol Hill rowhouses," without "significant changes in grade or other unusual topographical condition." According to ANC 6C, the existing "improvements on the property are similarly mundane." (Exhibit 34.) For the reasons discussed above, the Board disagrees with ANC 6C and rejects its contention that "[t]here is nothing 'exceptional' or 'extraordinary,' as required by the regulations, about the property's existing conditions."

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). When considering an application for a variance, the Board has the flexibility to

consider a number of factors, among them the weight of the burden of strict compliance, the severity of the variance requested, and the effect that variance would have on the overall zone plan. *Gilmartin* at 1171.

In this case, the Applicant requested an area variance that would allow an increase in lot occupancy from the existing 67.3% to approximately 73%, where a maximum of 60% is allowed as a matter of right pursuant to Subtitle E § 304.1. Approval of the requested zoning relief would allow construction of a rear addition with an area of 107 square feet, occupying the narrow area between the existing dwelling and a fence abutting the public alley to the north.

The Applicant persuasively demonstrated that the proposed addition “is the most feasible option for expanding” the existing dwelling, which is smaller than neighboring residences, and that the requested area variance “is the minimum relief necessary to overcome” the practical difficulties that would otherwise result to the Applicant from the strict application of the Zoning Regulations. The Applicant described the additional costs and structural and design challenges associated with other potential but infeasible means of increasing living space in the dwelling, including excavation below the dwelling to create a habitable basement, construction of a new third floor, and demolition of the existing accessory structure to reduce lot occupancy. (*See* Exhibit 28.)

The Office of Planning recognized that the three options identified by the Applicant as a way to increase habitable space at the dwelling without needing zoning relief would “each ... result in significant practical difficulties and greater impacts.” ANC 6C disagreed, contending that the Applicant’s “chief argument boils down, in essence, to the following: because the property is already so far above the matter-of-right cap of 60% lot occupancy, it would be unfair not to allow expansion to 72%.” The Board finds no merit in the ANC’s contention. The Applicant demonstrated that the two options favored by the ANC – construction of an addition not exceeding the 70% lot occupancy permitted by special exception or demolition of the accessory structure, thereby reducing lot occupancy – are not viable alternatives. The Applicant recognized that, at 107 square feet, the planned addition would be 57 square feet larger than what could be approved as a special exception but argued that “that 57 square feet is meaningful as it represents more than 50% of the proposed addition.” The Board notes that the planned addition is no larger than the “gap” that now exists between the dwelling and the northern property line; a smaller addition would not fully utilize that otherwise unusable space. According to the ANC, “the garage could easily be reduced in size by several feet without impairing its usefulness in housing cars or other personal vehicles.” However, the Applicant refuted the ANC’s unsubstantiated claim, explaining that, because of its narrow width, the garage cannot contain two vehicles unless they are parked in tandem, and so a reduction in the length of the garage would result in the elimination of a parking space. The Applicant also explained that a reduction in the size of the garage “by several feet” would be difficult and expensive because of the way the accessory structure was constructed. (*See* Transcript of January 29, 2020 at 42.)

The Board finds that approval of the requested variance relief will not result in substantial detriment to the public good or cause any impairment of the zone plan. The relatively small addition will be located between the existing structure and a public alley, without reducing the

existing rear yard at the subject property. The addition will not be visible from nearby residential properties, and will not affect the light, air, or privacy available to any other property. The use of the subject property will continue as an attached principal dwelling unit.

The Office of Planning found no substantial detriment to the public good as a result of the requested variance relief in light of the addition's location on the alley-facing side of the house, where no adjacent neighbors would be substantially impacted. As OP noted, the addition will have a similar design as the existing house and therefore will not alter the visual character of the neighborhood along the alley. OP also found that approval of the requested variance relief would be consistent with the RF-1 zoning of the subject property by allowing the Applicant "to improve the living conditions in their house by modestly increasing their habitable space." ANC 6C had a different view, arguing that the Board should "consider the slippery-slope implications of granting relief on the weak justification offered by the applicants here" to avoid having no basis to oppose some future request from "the next applicant with a flat, rectangular, completely run-of-the-mill lot ... seeking a variance for 75% (or 79%, or 90%) lot occupancy for equally flimsy reasons...." For the reasons already discussed, the Board does not agree with the ANC that the Applicant has a "completely run-of-the-mill lot" or "flimsy reasons" for requesting an area variance to allow an addition of 107 square feet under the circumstances present in this case. The Board concludes that approval of the requested variance is consistent with the RF-1 zone by allowing an addition to a row dwelling that will remain in use as a principal dwelling, in keeping with the purposes of the RF zones.

The Applicant also requests a special exception under Subtitle E § 5201 from the requirements for enlargement of a nonconforming structure under 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.)

Pursuant Subtitle E § 5201, the Board is authorized to grant relief as a special exception from certain development standards, including the limits on additions to a nonconforming structure as set forth in Subtitle C § 202.2, subject to specified requirements. An applicant must demonstrate that the 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 building, as viewed from the street, alley, and other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the subject street frontage. (Subtitle E § 5201.3.)

Based on the findings of fact and for the reasons discussed above, the Board concludes that the application satisfies the requirements for special exception approval. Due to its size and

location, the planned addition will not affect the light and air available to neighboring properties nor compromise the privacy of the use and enjoyment of those properties. The one-story addition will be visible only from nearby commercial properties from the alley in the rear and will not be visible from the street; thus the addition will not substantially visually intrude on the character, scale, and pattern of houses along the subject street frontage.

In accordance with Subtitle X § 901.2, the Board concludes that approval of the requested special exception to allow enlargement of the Applicant's nonconforming structure 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. As discussed above, the Board concludes that the planned addition will not create any adverse impacts on the use of neighboring property but will continue the existing principal dwelling use of the property consistent with the provisions of the RF-1 zone.

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 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 6C opposed approval of the request for area variance relief. For the reasons discussed above, the Board was not persuaded by the ANC's argument that the Applicant failed to satisfy the requirements for approval of the zoning relief requested in this application or its contention that approval of this application might require approval of any other application in the future as each case is heard individually and decided on its own merit.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for an area variance from the lot occupancy requirements of Subtitle E § 304.1 and a special exception under Subtitle E § 5201 from the requirements for enlargement of a nonconforming structure under Subtitle C § 202.2 to allow a rear addition to an existing attached principal dwelling in the RF-1 zone at 727 7th Street, N.E. (Square 890, Lot 22). Accordingly, it is **ORDERED** that the application is **GRANTED**.

VOTE: 3-1-1 (Frederick L. Hill, Carlton E. Hart, and Lorna L. John voting to APPROVE; Peter A. Shapiro opposed; one Board member not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

BZA APPLICATION NO. 20185

PAGE NO. 8

FINAL DATE OF ORDER: May 15, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BZA APPLICATION NO. 20185
PAGE NO. 9**

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 80-07B
Z.C. CASE NO. 80-07B
Jemal's Darth Vader, LLC
(Modification of Consequence of Consolidated PUD and Related Map Amendment
@ Lot 16 in Square 563 [111 Massachusetts Avenue N.W.]
May 13, 2019

At its properly noticed public meeting on May 13, 2019, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of Jemal's Darth Vader, LLC (the "Applicant") for: a modification of consequence, pursuant to Subtitle Z § 703 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), to Condition No. A.1 of Z.C. Order 80-07A and its approved plans that modified the planned unit development (a "PUD") approved by Z.C. Order No. 324 (the "Original Order"), for Lot 16 in Square 563 (the "Property").

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. The Property occupies the entirety of Square 563 and is bounded by H Street, N.W., to the north; New Jersey Avenue, N.W., to the east; Massachusetts Avenue, N.W., to the south; and 2nd Street, N.W., to the west.
2. Pursuant to the Original Order, effective November 28, 1980, the Commission approved a consolidated PUD to permit construction on the Property of an eight-story, 101-foot-tall building with a density of 6.5 floor area ratio ("FAR") with office uses above ground-floor retail uses.
3. Pursuant to Z.C. Order No. 80-07A, effective May 12, 2017, the Commission approved a modification of the Original Order, together with a map amendment from the C-3-C Zone District to the C-4 Zone District, to permit renovations to the building constructed pursuant to the Original Order, as well as an addition of approximately 95,400 square feet of gross floor area, for a total FAR of 9.2 and a maximum height of 130 feet. (Exhibit ["Ex."] 1A.)

Parties

4. The only parties to Z.C. Case No. 80-07 other than the Applicant were Advisory Neighborhood Commissions ("ANC") 6E and 6C,¹ the "affected" ANCs pursuant to Subtitle Z § 101.8.

¹ ANC 6C is an "affected ANC" per Subtitle Z § 101.8 because it is located directly across the street from the Property.

5. On April 10, 2019, The Applicant served the Application on ANCs 6E and 6C and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application. (Ex. 1.)

The Application

6. The Application requested the following modifications to Condition A.1 of Z.C. Order No. 80-70A: (Ex. 1, 1B1-B8.)
 - To reconfigure the building geometry and footprint, specifically certain columns;
 - To expand the proposed penthouse habitable space, reconfigure the ground floor to provide a larger lobby, and provide increased balcony space to accommodate prospective tenants; and
 - To include a “Continuous Bay Projection Gap” in the New Jersey Avenue, N.W., elevation in order to comply with the bay projection requirements of the DC Construction Code.
7. The Application noted that the increased penthouse space would be subject to the Penthouse Habitable Space affordable housing requirements of Subtitle C § 1505.2 upon the filing of a building permit application.
8. On April 22, 2019, the Applicant submitted a supplemental statement (the “Supplemental Statement”) containing: (Ex. 6, 6A-6C.)
 - An updated Sheet 30 of the previously submitted architectural plans which clarified some of the proposed architectural embellishments; and
 - A calculations worksheet showing the estimated amount of contribution required to be paid by the Applicant to an affordable housing trust fund, pursuant to Subtitle C §§ 1505.12-1505.16.

Responses to the Application

OP

9. On April 12, 2019, OP submitted a report stating no objection to the Application being considered as a modification of consequence and recommending approval of the Application based on OP’s review of the Application against the applicable provisions of the Zoning Regulations. (Ex. 5.)

ANCs

10. ANC 6E submitted a written report stating that, at its duly noticed public meeting held on March 6, 2019, at which a quorum was present, it voted in support of the Application with no issues or concerns. (Ex. 6C.)

11. ANC 6C submitted a written report stating that, at its duly noticed public meeting held on May 8, 2019, at which a quorum was present, it voted in support of the Application with no issues or concerns. (Ex. 7.)

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 6E and 6C.
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 a final condition and redesign of the architectural elements 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 because both ANC 6E and 6C, the only parties other than the Applicant to the Approved PUD, had filed responses to the Application, 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 May 13, 2019, public meeting.
7. The Commission finds that the modification proposed by the Application is consistent with the Approved PUD because the proposed design changes do not change any of the material facts upon which the Commission based its original decision and do not modify the size or overall design of the existing building, decrease the proffered public benefits, or weaken any improved conditions.

“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 lack of objection to the Application being considered as a modification of consequence and finds persuasive OP's recommendation that the Commission approve the Application and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

10. 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).
11. The Commission found the reports of ANCs 6E and 6C in support of the Application with no issues or concerns persuasive and concurred in that judgment.

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 Z.C. Order No. 80-07A, the conditions of which all remain unchanged and in effect except Condition No. A.1, which is hereby revised to read as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions in **bold** and underlined text):

A. PROJECT DEVELOPMENT

1. The Project shall be developed in accordance with the following as modified by the guidelines, conditions, and standards herein: (~~Ex. 23A, 39.~~) ~~These Final Plans incorporate comments received from the Commission and supersede all earlier Project drawings included in the record.~~
 - The final plans in the record of Z.C. Case No. 80-07A, dated November 22, 2016, and submitted to the Commission on November 29, 2016 (Ex. 23A), as amended by the building signage diagrams (Sheets 16-19, 68-70 of Ex. 39) submitted on February 13, 2017; and

- As modified by the plans submitted in the record of Z.C. Case No. 80-07B dated January 8, 2019 (Ex. 1B), as modified by the plans dated April 4, 2019 (Ex. 6A) (collectively, “Final Plans”). **and**

VOTE (May 13, 2019): 4-0-1 (Robert E. Miller, Peter G. May, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**; Anthony J. Hood not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 29, 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 ORDER NO. 80-07C**

Z.C. Case NO. 80-07C

Jemal's Darth Vader, LLC

(Two-Year Time Extension for PUD @ Square 563, Lot 16

[111 Massachusetts Avenue N.W.]

May 11, 2020

At its properly noticed public meeting on May 11, 2020, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of Jemal's Darth Vader, LLC (the "Applicant") for a two-year time extension, pursuant to Subtitle Z § 705.2 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), of the time period in which to commence construction and renovation established by Z.C. Order No. 80-07A (the "Modified Order"), which modified the planned unit development ("PUD") approved by Z.C. Order No. 324 (the "Original Order"), for Lot 16 in Square 563, also described as "Parcel 9" (the "Property").

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. The Property occupies the entirety of Square 563 and is bounded by H Street, N.W., to the north; New Jersey Avenue, N.W., to the east; Massachusetts Avenue, N.W., to the south; and 2nd Street, N.W., to the west.
2. Pursuant to the Original Order, effective November 28, 1980, the Commission approved a consolidated PUD to permit construction on the Property of an 8-story, 101-foot-tall building with a density of 6.5 floor area ratio ("FAR") with office uses above ground-floor retail uses.
3. Pursuant to the Modified Order, effective May 12, 2017, the Commission approved a modification of the Original Order, together with a map amendment from the C-3-C Zone District to the C-4 Zone District, to permit the construction of renovations to the building constructed pursuant to the Original Order, as well as an addition of approximately 95,400 square feet of gross floor area, for a total FAR of 9.2 and a maximum height of 130 feet (the "Modified PUD"). (Exhibit ["Ex."] 2A.)
4. Condition No. D.3 of the Modified Order required:
 - A building permit application to construct the Modified PUD within two years of the effective date of that order; and
 - Construction of the Modified PUD to begin within three years of the effective date of that order. (Ex. 2A, p. 24.)

5. The Applicant filed a building permit application to construct the Modified PUD on April 30, 2019, prior to the deadline of May 12, 2019. (Ex. 2B.)
6. Pursuant to Z.C. Order No. 80-07B, the Commission approved a modification to the Modified PUD to allow changes to the building footprint, ground-floor uses, penthouse, and exterior. (Ex. 2A.)

Parties

7. The only parties to Z.C Case No. 80-07 other than the Applicant were Advisory Neighborhood Commissions (“ANC”) 6E and 6C,¹ the “affected” ANCs pursuant to Subtitle Z § 101.8.
8. On April 9, 2020, the Applicant served the Application on the Office of Planning (“OP”) and on ANCs 6E and 6C, as attested by the Certificate of Service submitted with the Application. (Ex. 2D.)

The Application

8. The Application, filed on April 9, 2020, requested a two-year time extension of the May 12, 2020, deadline to start construction of the Modified PUD in order to accommodate the lease extension requested by the current tenant that leases the entire building, the General Services Administration (“GSA”), whose planned relocation to another site prior to the construction of the Modified PUD was delayed. The Application requested two years to accommodate the GSA’s requested lease extension through April 30, 2021 to allow the GSA’s new site to be completed. (Ex. 2.)
9. The Application asserted that it met the requirements for the two-year time extension because:
 - No substantial change in any material facts upon which the Commission based its approval of the Modified Order has occurred; and
 - Good cause justifies the Commission’s granting the time extension because the Applicant’s ability to comply with the construction deadline has been affected by a condition, circumstance, or factor beyond the Applicant’s reasonable control, specifically:
 - The GSA’s delay in completing its new site has required the extension of their lease beyond the May 12, 2020 deadline to begin construction; and
 - The impacts of the current public health emergency on local and national economies and on the market for commercial office space construction complicate the Applicant’s near-term plans for moving forward. (Ex. 2.)

Responses to the Application

OP

¹ ANC 6C is an “affected ANC” per Subtitle Z § 101.8 because it is located directly across the street from the Property.

10. On May 8, 2020, OP submitted a report² recommending approval of the Application because there had been no substantial new development near the Property since the Commission approved the Modified PUD nor any other substantial changes in the material facts on which the Commission had based its approval of the Modified PUD. (Ex. 5A.) OP also concluded that the Application had demonstrated the existence of “other condition[s], circumstance[s] or factor[s] beyond the applicant’s reasonable control” which prevented the Applicant from complying with the time limits of the Modified Order.

ANCs

11. ANC 6E submitted an April 29, 2020, written report in support of the Application with no issues or concerns. (Ex. 4.)
12. ANC 6C did not submit any response to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. Subtitle Z § 705.2(a) requires an applicant serve the extension request on all parties and that parties are allowed 30 days to respond.
3. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it had served all parties to the Original Order – ANCs 6E and 6C – and that all were given 30 days to respond from the April 9, 2020, date of service.
4. Subtitle Z § 705.6 requires an application for a time extension be filed no earlier than six months before the deadline requested to be extended.
5. The Commission concludes that the Application met this requirement as it was filed on April 9, 2020, less than six months prior to the May 12, 2020, deadline requested to be extended.
6. Subtitle Z § 705.5 requires that “[a]n applicant with an approved PUD may request no more than two (2) extensions,” with the second limited to one year, while Subtitle Z § 705.3 limits the first extension to two years.
7. The Commission concludes that the Application satisfied this requirement as this is the first extension requested of the deadlines of Z.C. Order No. 80-07A and requests the two-year period that is the maximum allowed.

² The May 8, 2020 OP report replaced the initial May 1, 2020 OP report that incorrectly analyzed the Application as a modification of consequence.

8. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the PUD.
9. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) because there have been no substantial changes in material facts on which the Commission based its approval of the Modified PUD and the extension will not undermine the Commission’s approval of the Modified PUD.
10. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
 - (1) *An inability to obtain sufficient project financing for the development, following an applicant’s diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant’s reasonable control;*
 - (2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control; or*
 - (3) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control that renders the applicant unable to comply with the time limits of the order.*
11. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(3) because the Applicant has demonstrated that circumstances and conditions outside its control, namely the GSA’s need to extend the lease due to an inability to relocate, combined with the District’s public health emergency and the pursuant impact on office space construction, have rendered the Applicant unable to comply with the time limit set in Z.C. Order No. 80-07A to begin construction of the PUD.

“Great Weight” to the Recommendations of OP

12. 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).)
13. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

14. 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).)
15. The Commission finds ANC 6E Report’s support for the Application with no issues or concerns persuasive and concurs in that judgment.

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 two-year time extension of Z.C. Order No. 80-07A until May 12, 2022, within which time the Applicant must begin construction of the PUD. The conditions in Z.C. Order No. 80-07A and 80-07B remain unchanged and in effect.

VOTE (May 11, 2020): 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 shall become final and effective upon publication in the *D.C. Register*; that is, on May 29, 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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