VOL. 67 – NO. 25 JUNE 12, 2020

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-326, Coronavirus Support Emergency Amendment Act of 2020
- D.C. Council schedules a virtual public oversight roundtable on "The Board of Elections' Performance in Conducting the June 2, 2020 Primary Election"
- D.C. Council schedules a virtual public hearing on Bill 23-0777, New Hospital at St. Elizabeths Act of 2020
- Department of Health Care Finance establishes standards for adult day health program services
- Department of Health Care Finance publishes the Medicaid Fee Schedule for the Medicaid Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities program
- Department of Health allows nonresidents to purchase medical marijuana in the District using out-of-state medical marijuana registration cards or documents
- Office of Risk Management updates regulations for public sector workers' compensation benefits

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act,* D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 et *seq*. (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative· Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act,* D.C. Official Code §§2-50l et *seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA
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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-325

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2020

To approve the collective bargaining agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association/National Education Association.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Collective Bargaining Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association/National Education Association Emergency Approval Act of 2020".

Sec. 2. Notwithstanding section 501(c) of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), and pursuant to sections 1715(a) and 1717(i)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-617.15(a) and 1-617.17(i)(1)), the Council approves the negotiated compensation matters in the collective bargaining agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association/National Education Association, effective October 1, 2016, through September 30, 2022, submitted by the Mayor on April 7, 2020.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
May 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-326

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 27, 2020

To provide, on an emergency basis, for the health, safety, and welfare of District residents and support to businesses during the current public health emergency; and for other purposes

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

ENROLLED ORIGINAL

TITLE I. LABOR AND WORKFORCE DEVELOPMENT

Sec. 101. Wage replacement.

(a) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected employee shall be eligible for unemployment insurance in accordance with subsection (b) of this section.

(b)(1) Upon application, an affected employee shall receive unemployment insurance compensation ("UI"), which the Director of the Department of Employment Services shall administer under the Unemployment Compensation Program established pursuant to the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*).

(2) An affected employee shall be eligible for UI regardless of whether the:

(A) Employer has provided a date certain for the employee's return to work; or

(B) Employee has a reasonable expectation of continued employment with the current employer.

(3) For an affected employee, the term "most recent work" shall mean the employer for whom the individual last performed at least one day of employment as that term is defined by section 1(2)(B) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)).

(c) Benefits paid pursuant to this section shall not be charged to the experience rating accounts of employers.

(d) For the purposes of this section, the tSec.
erm "affected employee" means an employee who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to section 9 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109), and who is determined by the Mayor to have become unemployed or partially unemployed as a result of the circumstances giving rise to the public health emergency. The term "affected employee" includes an employee who has been quarantined or isolated by the Department of Health or any other applicable District or federal agency, an employee who has self-quarantined or self-isolated in a manner consistent with the recommendations or guidance of the Department of Health, any other applicable District or federal agency, or a medical professional, or an employee of an employer that ceased or reduced operations due to an order or guidance from the Mayor or the Department of Health or a reduction in business revenue resulting from the circumstances giving rise to the public health emergency, as determined by the Mayor, all as demonstrated by reasonable documentation required by the Mayor or the Mayor's designee.

(e) For the purposes of a public health emergency, "good cause" as set forth in section 10 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-110), shall include:

(1) An employer's failure to timely comply with a written directive from the Mayor or the Department of Health in relation to public safety measures necessary to protect its employees or the public during the public health emergency; or

(2) An employer's requirements that an employee be physically present in the workplace despite the employee having:

(A) Been quarantined or isolated by the Department of Health or any other applicable District or federal agency; or

(B) Self-quarantined or self-isolated in a manner consistent with the recommendations or guidance of the Department of Health, any other applicable District or federal agency, or a medical professional.

(f) If the Mayor determines that the payment of UI under this section may not be made from the District Unemployment Fund or from the unemployment fund of another jurisdiction due to federal law or regulation, payment may be made by the Mayor from any other source of funds that is available.

(g) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the requirements of section 9(a)(4)(B) and (5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109(a)(4)(B) and (5)), shall not apply.

Sec. 102. Unemployment insurance clarification.

The District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 1(2) (D.C. Official Code § 51-101(2)) is amended by adding a new subparagraph (A-i) to read as follows:

"(A-i) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and in conformity with federal law, the Director may determine that the term "employment" as defined in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-time employment, do not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under District or federal law or pandemic emergency unemployment compensation.".

(b) Section 3(c)(2) (D.C. Official Code § 51-103(c)(2)) is amended by adding a new subparagraph (G) to read as follows:

"(G) "Federal Pandemic Unemployment Compensation ("FPUC") benefits paid to an individual filing during a period of national emergency shall not be charged to the experience rating of the eligible claimant's base period employer's accounts. Employers electing to become liable for payments in lieu of contributions shall be charged 50% of reimbursements due as a result of FPUC benefits paid to an individual filing during a period of national emergency.".

(c) Section 8 (D.C. Official Code § 51-108) is amended as follows:

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

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

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and subject to the availability of additional moneys provided by local or federal law, the Director shall have the authority to pay such benefits as are authorized by law.".

(d) Section 9 (D.C. Official Code § 51-109) is amended as follows:

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

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

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have broad discretion to waive any eligibility requirements set forth in this act, other than the physical ability and availability requirement, when the Director considers such waiver to be in the public interest.".

Sec. 103. Shared work compensation program clarification.

The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 51-171) is amended as follows:

(1) Paragraph (4) is repealed.

(2) New paragraphs (4A) and (4B) are added to read as follows:

"(4A) "Health and retirement benefits" means employer-provided health benefits, and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which are incidents of employment in addition to the cash remuneration earned.

"(4B) "Participating employee" means an employee who voluntarily agrees to participate in an employer's shared work plan.".

(3) Paragraph (5) is amended to read as follows:

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

(4) Paragraph (7) is amended to read as follows:

"(7) "Shared work benefits" means the unemployment benefits payable to a participating employee in an affected unit under a shared work plan, as distinguished from the unemployment benefits otherwise payable under the employment security law.".

(5) Paragraph (8) is amended to read as follows:

"(8) "Shared work plan" means a written plan to participate in the shared work unemployment compensation program approved by the Director, under which the employer requests the payment of shared work benefits to participating employees in an affected unit of the employer to avert temporary or permanent layoffs, or both.".

(b) Section 4 (D.C. Official Code § 51-173) is amended to read as follows:

"Sec. 4. Employer participation in the shared work unemployment compensation program.

"(a) Employer participation in the shared work unemployment compensation program shall be voluntary.

"(b) An employer that wishes to participate in the shared work unemployment compensation program shall submit a signed application and proposed shared work plan to the Director for approval.

"(c) The Director shall develop an application form consistent with the requirements of this section. The application and shared work plan shall require the employer to:

"(1) Identify the affected unit (or units) to be covered by the shared work plan, including:

"(A) The number of full-time or part-time employees in such unit;

"(B) The percentage of employees in the affected unit covered by the plan;

"(C) Identification of each individual employee in the affected unit by name and social security number;

"(D) The employer's unemployment tax account number, and

"(E) Any other information required by the Director to identify participating employees;

"(2) Provide a description of how employees in the affected unit will be notified of the employer's participation in the shared work unemployment compensation program if such application is approved, including how the employer will notify those employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice of the shared work plan to employees in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

"(3) Identify the usual weekly hours of work for employees in the affected unit and the specific percentage by which hours will be reduced during all weeks covered by the plan. A shared work plan may not reduce participating employees' usual weekly hours of work by less

than 10% or more than 60%. If the plan includes any week for which the employer regularly provides no work (due to a holiday or other plant closing), then such week shall be identified in the application;

"(4) If the employer provides health and retirement benefits to any participating employee whose usual weekly hours of work are reduced under the plan, certify that such benefits will continue to be provided to participating employees under the same terms and conditions as though the usual weekly hours of work of such participating employee had not been reduced or to the same extent as employees not participating in the shared work plan. For defined benefit retirement plans, the hours that are reduced under the shared work plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the participating employee's usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be reduced due to the reduction in the participating employee's compensation. A reduction in health and retirement benefits scheduled to occur during the duration of a shared work plan that is equally applicable to employees who are not participating in the plan and to participating employees does not violate a certification made pursuant to this paragraph;

"(5) Certify that the aggregate reduction in work hours under the shared work plan is in lieu of temporary or permanent layoffs, or both, and provide a good faith estimate of the number of employees who would be laid off in the absence of the proposed shared work plan;

"(6) Agree to:

"(A) Furnish reports to the Director relating to the proper conduct of the shared work plan;

"(B) Allow the Director or the Director's authorized representatives access to all records necessary to approve or disapprove the application for a shared work plan;

"(C) Allow the Director to monitor and evaluate the shared work plan; and

"(D) Follow any other directives the Director considers necessary for the agency to implement the shared work plan consistent with the requirements for shared work plan applications;

"(7) Certify that participation in the shared work unemployment compensation program and implementation of the shared work plan will be consistent with the employer's obligations under applicable federal and state laws;

"(8) State the duration of the proposed shared work plan, which shall not exceed 365 days from the effective date established pursuant to section 6;

"(9) Provide any additional information or certifications that the Director determines to be appropriate for purposes of the shared work unemployment compensation program, consistent with requirements issued by the United States Secretary of Labor; and

"(10) Provide written approval of the proposed shared work plan by the collective bargaining representative for any employees covered by a collective bargaining agreement who will participate in the plan.".

(c) Section 5 (D.C. Official Code § 51-174) is amended to read as follows:

"Sec. 5. Approval and disapproval of a shared work plan.

"(a)(1) The Director shall approve or disapprove an application for a shared work plan in writing within 15 calendar days of its receipt and promptly issue a notice of approval or disapproval to the employer.

"(2) A decision disapproving the shared work plan shall clearly identify the reasons for the disapproval.

"(3) A decision to disapprove a shared work plan shall be final, but the employer may submit another application for a shared work plan not earlier than 10 calendar days from the date of the disapproval.

"(b) Except as provided in subsections (c) and (d) of this section, the Director shall approve a shared work plan if the employer:

"(1) Complies with the requirements of section 4; and

"(2) Has filed all reports required to be filed under the employment security law for all past and current periods and:

"(A) Has paid all contributions and benefit cost payments; or

"(B) If the employer is a reimbursing employer, has made all payments in lieu of contributions due for all past and current periods.

"(c) Except as provided in subsection (d) of this section, the Director may not approve a shared work plan:

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

"(2) If the employer's unemployment insurance account has a negative unemployment experience rating;

"(3) If the employer's unemployment insurance account is taxed at the maximum tax rate in effect for the calendar year;

"(4) For employers who have not qualified to have a tax rate assigned based on actual experience; or

"(5) For employees who are receiving or who will receive supplemental unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986, approved August 16, 2954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any period a shared work plan is in effect.

"(d) During the effective period of a shared work plan entered into during a public health emergency, subsection (c) of this section shall not apply. During a public health emergency, the Director may not approve a shared work plan:

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

"(2) For employees who are receiving or who will receive supplemental unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any period a shared work plan is in effect; or

"(3) For employers that have reported quarterly earnings to the Director for fewer than 3 quarters at the time of the application for the shared work unemployment compensation program.

"(e) For the purposes of this section, the term "public health emergency" means the public health emergency declared in the Mayor's order dated March 11, 2020, and any extensions thereof.".

(d) Section 6 (D.C. Official Code § 51-175) is amended to read as follows:

"Sec. 6. Effective date and expiration, termination, or revocation of a shared work plan.

"(a) A shared work plan shall be effective on the date that is mutually agreed upon by the employer and the Director, which shall be specified in the notice of approval to the employer.

"(b) The duration of the plan shall be 365 days from the effective date, unless a shorter duration is requested by employer or the plan is terminated or revoked in accordance with this section.

"(c) An employer may terminate a shared work plan at any time upon written notice to the Director, participating employees, and a collective bargaining representative for the participating employees. After receipt of such notice from the employer, the Director shall issue to the employer, the appropriate collective bargaining representative, and participating employees an Acknowledgment of Voluntary Termination, which shall state the date the shared work plan terminated.

"(d) The Director may revoke a shared work plan at any time for good cause, including:

"(1) Failure to comply with the certifications and terms of the shared work plan;

"(2) Failure to comply with federal or state law;

"(3) Failure to report or request proposed modifications to the shared work plan in accordance with section 7;

"(4) Unreasonable revision of productivity standards for the affected unit;

"(5) Conduct or occurrences tending to defeat the purpose and effective operation of the shared work plan;

"(6) Change in conditions on which approval of the plan was based;

"(7) Violation of any criteria on which approval of the plan was based; or

"(8) Upon the request of an employee in the affected unit.

"(e) Upon a decision to revoke a shared work plan, the Director shall issue a written revocation order to the employer that specifies the reasons for the revocation and the date the revocation is effective. The Director shall provide a copy of the revocation order to all participating employees and their collective bargaining representative.

"(f) The Director may periodically review the operation of an employer's shared work plan to ensure compliance with its terms and applicable federal and state laws.

"(g) An employer may submit a new application for a shared work plan at any time after the expiration or termination of a shared work plan.".

(e) Section 7 (D.C. Official Code § 51-176) is amended to read as follows:

"Sec. 7. Modification of a shared work plan.

"(a) An employer may not implement a substantial modification to a shared work plan without first obtaining the written approval of the Director.

"(b)(1) An employer must report, in writing, every proposed modification of the shared work plan to the Director a least 5 calendar days before implementing the proposed modification. The Director shall review the proposed modification to determine whether the modification is substantial. If the Director determines that the proposed modification is substantial, the Director shall notify the employer of the need to request a substantial modification.

"(2) An employer may request a substantial modification to a shared work plan by filing a written request with the Director. The request shall identify the specific provisions of the shared work plan to be modified and provide an explanation of why the proposed modification is consistent with and supports the purposes of the shared work plan. A modification may not extend the expiration date of the shared work plan.

"(c)(1) At the Director's discretion, an employer's request for a substantial modification of a shared work plan may be approved if:

"(A) Conditions have changed since the plan was approved; and

"(B) The Director determines that the proposed modification is consistent with and supports the purposes of the approved plan.

"(2) The Director shall approve or disapprove a request for substantial modification, in writing, within 15 calendar days of receiving the request and promptly shall communicate the decision to the employer. If the request is approved, the notice of approval shall contain the effective date of the modification.".

(f) Section 8 (D.C. Official Code § 51-177) is amended to read as follows:

"Sec. 8. Employee eligibility for shared work benefits.

"(a) A participating employee is eligible to receive shared work benefits with respect to any week only if the individual is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation, and:

"(1) With respect to the week for which shared work benefits are claimed, the participating employee was covered by a shared work plan that was approved prior to that week;

"(2) Notwithstanding any other provision of the employment security law relating to availability for work and actively seeking work, the participating employee was available for the individual's usual hours of work with the shared work employer, which may include availability to participate in training to enhance job skills approved by the Director, such as employer-sponsored training or training funded under the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

"(3) Notwithstanding any other provision of law, a participating employee is deemed unemployed for the purposes of determining eligibility to receive unemployment compensation benefits in any week during the duration of such plan if the individual's remuneration as an employee in an affected unit is reduced under the terms of the plan.

"(b) A participating employee may be eligible for shared work benefits or unemployment compensation, as appropriate, except that no participating employee may be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement

established for regular unemployment compensation, nor shall a participating employee be paid shared work benefits for more than 52 weeks under a shared work plan or in an amount more than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

"(c) The shared work benefit paid to a participating employee shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

"(d) Provisions applicable to unemployment compensation claimants under the employment security law shall apply to participating employees to the extent that they are not inconsistent with this act. A participating employee who files an initial claim for shared work benefits shall receive a monetary determination whether the individual is eligible to receive benefits.

"(e) A participating employee who has received all of the shared work benefits or combined unemployment compensation and shared work benefits available in a benefit year shall be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51–107(g)(1)(H)) ("Act"), for purposes of eligibility to receive extended benefits pursuant to section § 51–107(g) of the Act (D.C. Official Code § 51–107(g)), and, if otherwise eligible under that section, shall be eligible to receive extended benefits.

"(f) Shared work benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under the employment security law, unless waived by federal or District law. Employers liable for payments in lieu of contributions shall have shared work benefits attributed to service in their employ in the same manner as unemployment compensation is attributed, unless waived by federal or District law.".

(g) Section 9 (D.C. Official Code § 51-178) is amended as follows:

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

"(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a participating employee shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the participating employee's usual weekly hours of work.

"(2) The shared work benefit for a participating employee who performs work for another employer during weeks covered by a shared work plan shall be calculated as follows:

"(A) If the combined hours of work in a week for both employers results in a reduction of less than 10% of the usual weekly hours of work the participating employee works for the shared work employer, the participating employee is not eligible for shared work benefits;

"(B) If the combined hours of work for both employers results in a reduction equal to or greater than 10% of the usual weekly hours worked for the shared work employer, the shared work benefit payable to the participating employee is determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced. A week for which benefits are paid under this subparagraph shall be reported as a week of shared work benefits.

"(C) If an individual worked the reduced percentage of the usual weekly hours of work for the shared work employer and is available for all the participating employee's usual hours of work with the shared work employer, and the participating employee did not work any hours for the other employer, either because of the lack of work with that employer or because the participating employee is excused from work with the other employer, the participating employee shall be eligible for the full value of the shared work benefit for that week.".

(2) Subsection (b) is repealed

(3) New subsections (c) and (d) are added to read as follows:

"(c) A participating employee who is not provided any work during a week by the shared work employer or any other employer and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.

"(d) A participating employee who is not provided any work by the shared work employer during a week, but who works for another employer and is otherwise eligible for unemployment compensation may be paid unemployment compensation for that week subject to the disqualifying income provision and other provisions applicable to claims for regular unemployment compensation.".

Sec. 104. Family and medical leave.

The District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 32-501(1)) is amended to read as follows:

"(1) "Employee" means:

"(A) For leave provided under sections 3 or 4, any individual who has been employed by the same employer for one year without a break in service except for regular holiday, sick, or personal leave granted by the employer and has worked at least 1000 hours during the 12-month period immediately preceding the request for family or medical leave; or

"(B) For leave provided under section 3a, an individual employed by an employer for at least 30 days prior to the request for leave.".

(b) A new section 3a (to be codified at D.C. Official Code § 32-502.01) is added to read as follows:

"Sec. 3a. COVID-19 leave.

"(a) During the COVID-19 public health emergency, an employee shall be entitled to family and medical leave if the employee is unable to work due to:

"(1) A recommendation from a health care provider that the employee isolate or quarantine, including because the employee or an individual with whom the employee shares a household is at high risk for serious illness from COVID-19;

"(2) A need to care for a family member or an individual with whom the employee shares a household who is under a government or health care provider's order to quarantine or isolate; or

"(3) A need to care for a child whose school or place of care is closed or whose childcare provider is unavailable to the employee.

"(b)(1) An employee may use no more than 16 weeks of family and medical leave pursuant to this section during the COVID-19 public health emergency.

(2) The right to leave pursuant to this section expires on the date the COVID-19 public health emergency expires.

"(c) An employer may require reasonable certification of the need for COVID-19 family and medical leave as follows:

"(1) If the leave is necessitated by the recommendation of a health care provider to the employee, a written, dated statement from a health care provider stating that the employee has such need and the probable duration of the need for leave;

"(2) If the leave is necessitated by the recommendation of a health care provider to an employee's family member or individual with whom the employee shares a household, a written, dated statement from a health care provider stating that the individual has such need and the probable duration of the condition.

"(3) If the leave is needed because a school, place of care, or childcare provider is unavailable, a statement by the head of the agency, company, or childcare provider stating such closure or unavailability, which may include a printed statement obtained from the institution's website.

"(d) Notwithstanding section 17, this section shall apply to any employer regardless of the number of persons in the District that the employer employs.

"(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, family and medical leave under this section may consist of unpaid leave.

"(2) Any paid leave provided by an employer that the employee elects to use for family and medical leave under this section shall count against the 16 workweeks of allowable leave provided in this section.

"(3) If an employer has a program that allows an employee to use the paid leave of another employee under certain conditions and the conditions have been met, the employee may use the paid leave as family and medical leave and the leave shall count against the 16 workweeks of leave provided in this section.

"(4) An employee shall not be required, but may elect, to use leave provided under this section before other leave to which the employee is entitled under federal or District law or an employer's policies.

"(f) The provisions of section 6 shall apply to an employee who takes leave pursuant to this section.

"(g) An employer who willfully violates subsections (a) through (e) of this section shall be assessed a civil penalty of $1,000 for each offense.

"(h) The rights provided to an employee under this section may not be diminished by any collective bargaining agreement or any employment benefit program or plan; except, that this section shall not supersede any clause on family or medical leave in a collective bargaining

agreement in force on the applicability date of this section for the time that the collective bargaining agreement is in effect.

"(i) For the purposes of this section, the term "COVID-19 public health emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

Sec. 105. Paid public health emergency leave.

(a) 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.*), is amended as follows:

(1) Section 3(c)(1) (D.C. Official Code § 32-531.02(c)(1)) is amended by striking the phrase "Paid leave under" and inserting the phrase "Except as provided in section 3a, paid leave under" in its place.

(2) A new section 3a (to be codified at D.C. Official Code § 32-531.02a) is added to read as follows:

"Sec. 3a. Paid public health emergency leave requirement.

"(a)(1) Beginning April 10, 2020, and for the duration of the COVID-19 emergency, an employer with between 50 and 499 employees, that is not a health care provider, shall provide paid leave to an employee pursuant to this section for an absence from work due to covered reasons.

"(2) An employer shall provide paid leave to an employee in an amount sufficient to ensure that an employee who must be absent from work for covered reasons be able to remain away from work for 2 full weeks of work up to 80 hours, or, for a part-time employee, for the usual number of hours the employee works in a 2-week period.

"(3)(A) Subject to subparagraph (B) of this paragraph, an employer shall compensate an employee for leave provided pursuant to this section at the employee's regular rate of pay. In the case of an employee who does not have a regular rate of pay, the employee's rate of pay shall be determined by dividing the employee's total gross earnings, including all tips, commission, piecework, or other earnings earned on an irregular basis for the most recent 2-week period that the employee worked for the employer, by the number of hours the employee worked during that 2-week period.

"(B) In no case shall an employee's rate of pay fall below the minimum wage established by section 4(a) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Code Official Code § 32-1003(a)).

"(4) An employer shall provide paid leave under this section to any employee who commenced work for the employer at least 15 days before the request for leave.

"(b)(1) An employee may only use paid leave provided under this section concurrently with or after exhausting any other paid leave to which the employee may be entitled for covered reasons under federal or District law or an employer's policies. "(2) If an employee elects to use paid leave provided under this section concurrently with other paid leave, the employer may reduce the monetary benefit of the paid leave provided under this section by the

amount of the monetary benefit the employee will receive for paid leave taken under federal or District law or the employer's policies.

"(3) If an employee elects to use paid leave provided under this section after exhausting other paid leave, the employer may reduce the number of hours of paid leave an employee may use under this section by the number of hours of paid leave taken under federal or District law or the employer's policies.

"(c) Nothing in this section shall be construed to require an employer to provide an employee with paid leave pursuant to this section for more than 2 full weeks of work up to 80 hours. If an employee uses all of the leave available under this section and subsequently informs the employer of the employee's continued need to be absent from work, the employer shall inform the employee of any paid or unpaid leave to which the employee may be entitled pursuant to federal or District law or the employer's policies.

"(d) Before taking any other administrative action on a complaint filed pursuant to section 13, the Mayor shall promptly provide the employer with written notice of the alleged violation, in a form or manner to be determined by the Mayor, and give the employer 5 business days to cure the alleged violation. The time to cure the violation shall run from the date the employer receives the notice.

"(e) For the purposes of this section, the term:

"(1) "Covered reasons" means any of the reasons for which federal paid leave is available pursuant to section 5102 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195).

"(2) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

"(3) "Health care provider" means any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. The term "health care provider" includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.".

(3) Section 4 (D.C. Official Code § 32-531.03) is amended as follows:

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

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

"(b) An employer may not require an employee who seeks to use paid leave pursuant to section 3a to:

"(1) For any reason, provide more than 48 hours' notice of the need to use such leave;

"(2) In the event of an emergency, provide more than reasonable notice of the employee's need to use such leave; and

"(3) Search for or identify another employee to perform the work hours or work of the employee using paid leave.".

(4) Section 5 (D.C. Official Code § 32-531.04) is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) An employer may not require an employee who uses paid leave pursuant to section 3a to provide certification of the need to use such paid leave unless the employee uses 3 or more consecutive working days of paid leave.

"(2) When certification is required by an employer for the use of paid leave pursuant to section 3a, the employer may not require the employee to provide it until one week after the employee's return to work.

"(3) An employer that does not contribute payments toward a health insurance plan on behalf of the employee shall not require certification from the employee who uses paid leave pursuant to section 3a.".

(5) Section 6(b) (D.C. Official Code § 32-531.05(b)) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Paragraph (2) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(3) Access and use paid leave as provided in section 3a.".

(b) Section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended by adding a new subsection (b-1) to read as follows:

"(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19 emergency, no more than $500,000 of the money in the Fund may be used for activities related to enforcement of the paid public health emergency leave requirement contained in section 3a of the Accrued Sick and Safe Leave Act of 2008, passed on emergency basis on May 19, 2020 (Enrolled version of Bill 23-757).

"(2) For the purposes of this subsection, "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.".

TITLE II. BUSINESS AND ECONOMIC DEVELOPMENT

Sec. 201. Small business microgrants.

The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

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

"Sec. 2316. Public health emergency grant program.".

(b) A new section 2316 is added to read as follows:

"Sec. 2316. Public health emergency grant program.

"(a)(1) Upon the Mayor's declaration of a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor's sole discretion, issue a grant or loan to an eligible small business; provided, that the eligible small business:

"(A) Submit a grant application in the form and with the information required by the Mayor; and

"(B) Demonstrate, to the satisfaction of the Mayor, financial distress caused by a reduction in business revenue due to the circumstances giving rise to or resulting from the public health emergency.

"(2) A grant issued pursuant to this section may be expended by the eligible small business for any of the following:

"(A)(i) Employee wages and benefits.

"(ii) For the purposes of this subparagraph, the term "benefits" means fringe benefits associated with employment, including health insurance;

"(B) Operating costs of the eligible small business including taxes and debt service; and

"(C) Repayment of loans obtained through the United States Small Business Administration.

"(b) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of administering the grant program and making subgrants on behalf of the Mayor in accordance with the requirements of this section.

"(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue emergency rules to implement the provisions of this section.

"(d) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this section, shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than June 1, 2020, or 5 days following the end of the COVID-19 emergency, whichever is earlier.

"(e) For the purposes of this section, the term:

"(1) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

"(2) "Eligible small business" means a business enterprise eligible for certification under section 2332, a nonprofit entity, or an independent contractor or self-

employed individual determined ineligible for Unemployment Insurance by the Director of the Department of Employment Services.".

Sec. 202. Contractor advance payment.

Section 2349 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.49), is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase "A policy" and inserting the phrase "Except as provided in subsection (a-1) of this section, a policy" in its place.

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

"(a-1) During a period of time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an agency may make advance payments to a certified contractor for purchases related to the PHE when the payments are necessary to achieve the purposes of this subtitle and may provide an advance of more than 10% of the total value of the contract.".

Sec. 203. Certified Business Enterprise assistance.

(a) Notwithstanding the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et. seq.*) ("CBE Act"), or any other provision of District law or regulation, during the period of the COVID-19 emergency, any contract for a government-assisted project in excess of $250,000 that is unrelated to the District's response to the COVID-19 emergency but entered into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act, shall provide that:

(1) At least 50% of the dollar volume of the contract be subcontracted to small business enterprises; or

(2) If there are insufficient qualified small business enterprises to meet the requirement of paragraph (1) of this subsection, the subcontracting requirement may be satisfied by subcontracting 50% of the dollar volume ("CBE minimum expenditure") to any qualified certified business enterprises; provided, that best efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

(b)(1) For every dollar expended by a beneficiary with a resident-owned business, the beneficiary shall receive a credit for $1.10 against the CBE minimum expenditure.

(2) For every dollar expended by a beneficiary with a disadvantaged business enterprise, the beneficiary shall receive a credit for $1.25 against the CBE minimum expenditure.

(3) For every dollar expended by a beneficiary that uses a company designated as both a disadvantaged business enterprise under section 2333 of the CBE Act and as a resident-owned business under section 2302(15) of the CBE Act, the beneficiary shall receive a credit for $1.30 against the CBE minimum expenditure.

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

(1) "Beneficiary" has the same meaning as set forth in section 2302(1B) of the CBE Act (D.C. Official Code § 2-218.02(1B)).

(2) "Best efforts" means that a beneficiary is obligated to make its best attempt to accomplish the agreed-to goal, even when there is uncertainty or difficulty.

(3) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

(4) "Disadvantaged business enterprise" has the same meaning as set forth in section 2333 of the CBE Act (D.C. Official Code § 2-218.33).

(5) "Government-assisted project" has the same meaning as set forth in section 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

(6) "Longtime resident business" has the same meaning as set forth in section 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

(7) "Resident-owned business" has the same meaning as set forth in section 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

(8) "Small Business Enterprises" has the same meaning as set forth in section 2332 of the CBE Act (D.C. Official Code § 2-218.32).

(d) Contracts entered into on an emergency basis or that are made in furtherance of, or that are related to, the District's response to the COVID-19 emergency shall not be subject to the requirements of the CBE Act or the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

Sec. 204. Alcoholic beverage regulation.

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

(a) Chapter 1 is amended as follows:

(1) Section 25-112 is amended by adding a new subsection (h) to read as follows:

"(h)(1) A retailer with commercial street frontage at the Walter E. Washington Convention Center that sells food and is approved by the Washington Convention and Sports Authority to sell alcoholic beverages for on-premises consumption ("Convention Center food and alcohol business") that registers as a Convention Center food and alcohol business with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed containers to the homes of District residents, pursuant to § 25-113(a)(3)(C); provided, that such carry-out or delivery orders are accompanied by one or more prepared food items.

"(2) Board approval shall not be required for registration under this subsection.".

(2) Section 25-113(a)(3) is amended by adding new subparagraphs (C) and (D) to read as follows:

"(C)(i) An on-premises retailer's licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with the Board may sell beer, wine, or spirits in closed containers to individuals for 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.

"(ii) Board approval shall not be required for registration under this subparagraph; except, that the licensee shall receive written authorization from ABRA prior to beginning carry out or delivery of beer, wine, or spirits pursuant to this subparagraph.

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

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

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

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

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

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

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

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

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

application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

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

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

(b) Chapter 4 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 205. Third-party food delivery commissions.

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

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

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

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

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

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

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

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

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

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

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

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

(h) Nothing in this section limits or otherwise impacts the requirement of a third-party food delivery platform to collect and remit sales tax imposed under Chapter 20 of Title 47 of the District of Columbia Official Code.

Sec. 206. Corporate filing extension.

Section 29-102.12 of the District of Columbia Official Code is amended by adding a new subsection (e) to read as follows:

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

Sec. 207. Taxes and trade name renewals.

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

(a) Section 47-811(b) is amended by striking the phrase "tax year beginning July 1, 1989, and ending June 30, 1990, the amount of the first and second installments shall reflect and be consistent with the tax rates applicable to that tax year, as provided in § 47-812(b) and (c)" and inserting the phrase "tax year 2020 first installment owing for a real property that is commercially improved and occupied and is a hotel or motel; provided, that the Chief Financial Officer, through the Office of Tax and Revenue, shall issue administrative guidance on the definition of a hotel or motel, the Chief Financial Officer may waive any penalties and abate interest if the owner pays such installment by June 30, 2020" in its place.

(b) Section 47-1803.02(a)(2) is amended by adding new subparagraphs (GG), (HH), and (II) to read as follows:

"(GG) Small business loans awarded and subsequently forgiven under section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 281).

"(HH) Public health emergency small business grants awarded pursuant to section 2316 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, passed on emergency basis on May 19, 2020 (Enrolled version of Bill 23-757).

"(II) Public health emergency grants authorized pursuant to section 16(m)(1) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(m)(1)).".

(c) Section 47-1803.03(a)(14) is amended by adding a new subparagraph (H) to read as follows:

"(H) For tax years beginning after December 31, 2017, corporations, unincorporated businesses, or financial institutions shall be allowed an 80% deduction for apportioned District of Columbia net operating loss carryover to be deducted from the net income after apportionment."

(d) Section 47-4221 is amended by adding a new subsection (d) to read as follows:

"(d)(1) Except as provided in paragraph (2) of this subsection and notwithstanding any other provision of this title, the Chief Financial Officer may waive any penalty and abate interest

that may be imposed for failure to timely pay any taxes due pursuant to Chapters 20 and 22 of this title for periods ending on February 29, 2020, or March 31, 2020; provided, that all taxes for such periods are paid in full on or before July 20, 2020.

"(2) This subsection shall not apply to hotels or motels permitted to defer real property tax under § 47-811(b).".

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

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

Sec. 208. 8th and O disposition extension.

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

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

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

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

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

TITLE III. CONSUMER PROTECTION AND REGULATION

Sec. 301. Opportunity accounts expanded use.

The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.61) is amended by adding a new paragraph (2A) to read as follows:

"(2A) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.".

(b) Section 8 (D.C. Official Code § 1-307.67) is amended as follows:

(1) Subsection (a) is amended by striking the figure "$2" and inserting the figure "$1" in its place.

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

(A) The lead-in language is amended by striking the figure "$2" and inserting the figure "$3" in its place.

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

(i) Strike the phrase "in at least the same amount" and insert the phrase "consistent with subsection (a) of this section" in its place.

(ii) Strike the phrase "; and" and insert a semicolon in its place.

(C) Paragraph (2) is amended as follows:

(i) Strike the phrase "than $3,000" and insert the phrase "than $6,000" in its place;

(ii) Strike the period and insert the phrase "; and" in its place.

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

"(3) The Commissioner may waive the requirement of subsection (a) of this section and provide to an administering organization matching funds of up to $4 for every dollar the account holder deposits into the opportunity account when adequate federal or private matching funds are not available.".

(c) Section 9(a) (D.C. Official Code § 1-307.68(a)) is amended as follows:

(1) Paragraph (6) is repealed.

(2) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(3) A new paragraph (9) is added to read as follows:

"(9) To pay for any cost, expense, or item authorized by the Commissioner by rule issued pursuant to section 14, or by order during a declared public health emergency.".

(d) Section 10 (D.C. Official Code § 1-307.69) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(B) Paragraph (3) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(4) Making payments necessary to enable the account holder to meet necessary living expenses in the event of a sudden, unexpected loss of income.".

(2) Subsection (c) is amended by striking the phrase "An account holder" and inserting the phrase "Except during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an account holder" in its place.

(3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

"(c-1) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(2) or (3) of this section, the account holder shall withdraw only funds deposited by the account holder and shall not withdraw matching funds.

"(c-2) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(1) of this section, the account holder shall withdraw only funds deposited by the account holder and shall not withdraw matching funds, unless the withdrawal is for a medical emergency.

"(c-3) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(4) of this section, the account holder may withdraw funds deposited by the account holder and matching funds.".

(4) The lead-in language of subsection (e) is amended to read as follows:

"An account holder shall not be required to repay funds withdrawn from the opportunity account for an emergency withdrawal but shall be required to resume making deposits into the opportunity account no later than 90 days after the emergency withdrawal. If the account holder fails to make a deposit no later than 90 days after the emergency withdrawal:".

Sec. 302. Funeral services consumer protection.

(a) The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended by adding a new section 4a to read as follows:

"Sec. 4a. For a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), there shall be established a Funeral Bill of Rights designed to inform consumers of required pricing disclosures and other available consumer rights. The Department of Consumer and Regulatory Affairs, in consultation with the Board of Funeral Directors and the Attorney General for the District of Columbia ("Attorney General"), shall write the Funeral Bill of Rights, which shall be published in the District of Columbia Register no later than May 8, 2020. If the foregoing does not occur on or before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and shall have it published in the District of Columbia Register no later than May 15, 2020.".

(b) Section 28-3904 of the District of Columbia Official Code is amended as follows:

(1) Subsection (jj) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Subsection (kk) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(3) New subsections (ll) and (mm) are added to read as follows:

"(ll) violate any provision of 17 DCMR § 3013; or"

"(mm) violate any provision of 17 DCMR § 3117.".

(c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*) is amended as follows:

(1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

(A) The lead-in language of subparagraph (8) is amended by striking the phrase "customer, or failing to passing" and inserting the phrase "customer, failing to provide to

the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the customer, or failing to pass" in its place.

(B) Subparagraph (24) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(C) Subparagraph (25) is amended by striking the period at the end and inserting a semicolon in its place.

(D) New subparagraphs (26), (27), (28), and (29) are added to read as follows:

"(26) Failing to clearly and conspicuously post a General Price List, a Casket Price List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any website maintained by the applicant or licensee;

"(27) Failing to provide to any customer a General Price List, a Casket Price List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq*);

"(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on emergency basis on May 19, 2020 (Enrolled version of Bill 23-757), on any website maintained by the applicant or licensee; or

"(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on emergency basis on May 19, 2020 (Enrolled version of Bill 23-757), during an initial meeting to discuss or make arrangements for the purchase of funeral goods or services.".

(2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection 3110.9 to read as follows:

"3110.9 A funeral services establishment shall keep and retain records documenting any required disclosures to consumers, including disclosure of its General Price List, Casket Price List, and Outer Burial Container Price List, and the Funeral Bill of Rights signed by the consumer, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on emergency basis on May 19, 2020 (Enrolled version of Bill 23-757), after the completion or termination of a funeral contract.".

Sec. 303. Debt collection.

Section 28-3814 of the D.C. Official Code is amended as follows:

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

(1) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "collection lawsuit" means any legal proceeding, including civil actions, statements of small claims, and supplementary process actions, commenced in any court for the purpose of collecting any debt or other past due balance owed or alleged to be owed.

"(1B) "debt" means money or its equivalent which is, or is alleged to be, more than 30 days past due and owing, unless a different period is agreed to by the debtor, under a single account as a result of a purchase, lease, or loan of goods, services, or real or personal property for personal, family, or household purposes or as a result of a loan of money that was obtained for personal, family, or household purposes whether or not the obligation has been reduced to judgment.".

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

"(4) "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to § 28-4102.".

(b) New subsections (l), (m), and (n) are added to read as follows:

"(l)(1) Notwithstanding subsection (a) of this section, subsections (l) and (m) of this section shall apply to any debt, including loans directly secured on motor vehicles or direct motor vehicle installment loans covered by Chapter 36 of Title 28.

"(2) During a public health emergency and for 60 days after its conclusion, no creditor or debt collector shall, with respect to any debt:

"(A) Initiate, file, or threaten to file any new collection lawsuit;

"(B) Initiate, threaten to initiate, or act upon any statutory remedy for the garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the payment of a debt to a creditor;

"(C) Initiate, threaten to initiate, or act upon any statutory remedy for the repossession of any vehicle; except, that creditors or debt collectors may accept collateral that is voluntarily surrendered;

"(D) Visit or threaten to visit the household of a debtor at any time for the purpose of collecting a debt;

"(E) Visit or threaten to visit the place of employment of a debtor at any time; or

"(F) Confront or communicate in person with a debtor regarding the collection of a debt in any public place at any time, unless initiated by the debtor.

"(3) This subsection shall not apply to collecting or attempting to collect a debt that is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for common expenses pursuant to § 42-1903.12.

"(4) Any statute of limitations on any collection lawsuit is tolled during the duration of the public health emergency and for 60 days thereafter.

"(m)(1) During a public health emergency and for 60 days after its conclusion, no debt collector shall initiate any communication with a debtor via any written or electronic communication, including email, text message, or telephone. A debt collector shall not be deemed to have initiated a communication with a debtor if the communication by the debt collector is in response to a request made by the debtor for the communication or is the mailing of monthly statements related to an existing payment plan or payment receipts related to an existing payment plan.

"(2) This subsection shall not apply to:

"(A) Communications initiated solely for the purpose of informing a debtor of a rescheduled court appearance date or discussing a mutually convenient date for a rescheduled court appearance;

"(B) Original creditors collecting or attempting to collect their own debt;

"(C) Collecting or attempting to collect a debt which is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for common expenses pursuant to § 42-1903.12; or

"(D) Receiving and depositing payments the debtor chooses to make during a public health emergency.

"(n) Subsections (l) and (m) of this section shall not be construed to:

"(1) Exempt any person from complying with existing laws or rules of professional conduct with respect to debt collection practices;

"(2) Supersede or in any way limit the rights and protections available to consumers under applicable local, state, or federal foreclosure laws; or

"(3) Supersede any obligation under the District of Columbia Rules of Professional Conduct, to the extent of any inconsistency.".

Sec. 304. Emergency credit alerts.

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

(a) The table of contents for Chapter 38 is amended by adding a new subchapter designation to read as follows:

"Subchapter IV. COVID-19 Emergency Credit Alert.

"28-3871. COVID-19 Emergency credit alert.

(b) A new section 28-3871 is added to read as follows:

"§ 28-3871. COVID-19 Emergency credit alert.

"(a) If a consumer reports in good faith that he or she has experienced financial hardship resulting directly or indirectly from the public health emergency declared pursuant to § 7-2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in that file a personal statement, if furnished by the consumer, indicating that the consumer has been financially impacted by the COVID-19 emergency and shall provide that personal statement along with or accompanying any credit report provided by the agency, beginning on the date of such request, unless the consumer requests that the personal statement be removed.

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

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

"(d) If a credit reporting agency violates this section, the affected consumer may bring a civil action consistent with 15 U.S.C. § 1681n.

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

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

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

"(B) Reasonable attorney's fees and costs of the action.

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

"(1) "Consumer;"

"(2) "Credit report;" and

"(3) "Credit reporting agency.

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

Sec. 305. Enhanced penalties for unlawful trade practices.

Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking the phrase "by the Department." and inserting the phrase "by the Department; except, that notwithstanding any other provision of District law or regulation, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction within the meaning of 16 DCMR § 3200.1(a).".

Sec. 306. Price gouging and stockpiling.

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

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

"28-4102.01. Stockpiling.".

(b) Section 28-4102(a)) is amended to read as follows:

"(a) It shall be unlawful for any person to charge more than the normal average retail price for any merchandise or service sold during a public health emergency declared pursuant to § 7-2304.01, or during an emergency resulting from a natural disaster declared pursuant to subsection (b) of this section.".

(c) A new section 28-4102.01 is added to read as follows:

"§ 28-4102.01. Stockpiling.

"It shall be unlawful for any person to purchase, in quantities greater than those specified by the Mayor, the Department of Health ("DOH"), the Homeland Security and Emergency Management Agency ("HSEMA"), or the federal government goods that the Mayor, DOH, HSEMA, or the federal government have declared:

"(1) Necessary for first responders or others following a natural disaster or a declaration of a public health emergency pursuant to § 7-2304.01 ("public health emergency");

"(2) Necessary to maintain supply chains of commerce during a natural disaster or a public health emergency; or

"(3) Subject to rationing.".

(d) Section 28-4103 is amended as follows:

(1) Strike the phrase "§ 28-4102(a)" wherever it appears and insert the phrase "§ 28-4102(a) or § 28-4102.01" in its place.

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

"(c) When the Office of the Attorney General brings a civil action for any violation of § 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty authorized by § 28-3909 shall be assessed for each such violation.".

Sec. 307. Utility shutoff.

(a) Section 113a(c) of the District Department of the Environment Establishment Act of 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is amended as follows:

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

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

"(2) Notwithstanding paragraph (1) of this subsection, during a period of time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 105 calendar days thereafter, money in the Fund may be used to assist low-income residential customers located in the District of Columbia with the payment of an outstanding water bill balance; except, that not less than $1.26 million of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit organizations located in the District with the payment of impervious area charges, pursuant to section 216b(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34-2202.16b(a)), and not less than $360,000 of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist residential customers with the payment of impervious area charges, pursuant to section 216b(b).".

(b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic cable operator services for non-payment of a bill, any fees for service or equipment, or any other charges, or for noncompliance with a deferred payment agreement during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or for 15 calendar days thereafter.

"(2) For purposes of this subsection, the term "other basic cable operator services" includes only basic broadband internet service and Voice over Internet Protocol service (known as VOIP service) .".

(c) The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106b to read as follows:

"Sec. 106b. Disconnection of service during a public health emergency prohibited.

"(a) For the purposes of this section, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(b) An electric company shall not disconnect electric service for non-payment of a bill or fees during a public health emergency or for 15 calendar days thereafter.".

(d) The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is amended by adding a new section 7b to read as follows:

"Sec. 7b. Disconnection of service during a public health emergency prohibited.

"(a) For the purposes of this section, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(b) A gas company shall not disconnect gas service for non-payment of a bill or fees during a public health emergency or for 15 calendar days thereafter.".

(e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new subsection (c) to read as follows:

"(c)(1) For the purposes of this subsection, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(2) During a public health emergency, or for 15 calendar days thereafter, notwithstanding any other provision of this act, the water supply to any property shall not be shut off for non-payment of a bill or fees.".

(f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a to read as follows:

"Section 3a. Disconnection of telecommunications service during a public health emergency prohibited.

"(a) For the purposes of this section, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(b) A telecommunications service provider shall not disconnect, suspend, or degrade basic telecommunications service for non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance with a deferred payment agreement during a public health emergency or for 15 calendar days thereafter.".

(g) Notwithstanding any District law, the Attorney General for the District of Columbia may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any merchant, including a utility provider, that violates any provision of this act.

Sec. 308. Utility payment plans.

(a) During a program period, a utility provider shall offer a utility-payment-plan program ("program") for eligible customers. Under its program, a utility provider shall:

(1) Make a payment plan ("payment plan") available to an eligible customer for the payment of amounts that come due during the program period, with a minimum term length of one year, unless a shorter time period is requested by the customer.

(2) Waive any fee, interest, or penalty that arises out of the eligible customer entering into a payment plan;

(3) Not report to a credit reporting agency as delinquent the amounts subject to the payment plan; and

(4) Notify all customers of the availability, terms, and application process for its program.

(b)(1) Customers entering into a payment plan shall be required to make payments in equal monthly installments for the duration of the payment plan unless a shorter payment schedule is requested by the customer.

(2) A utility provider shall permit a customer that has entered into a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) A utility provider shall not require or request a customer provide a lump-sum payment under a payment plan.

(4) A utility provider shall provide confirmation in writing to the customer of the payment plan entered into, including the terms of a payment plan.

(c) A utility provider shall utilize existing procedures or, if necessary, establish new procedures to provide a process by which a customer may apply for a payment plan, which may include requiring the customer to submit supporting documentation. A utility provider shall permit application for a payment plan to occur online and by telephone.

(d)(1) A utility provider shall approve each application for a payment plan submitted during the covered time period made by an eligible customer.

(2) If the customer is not eligible and the customer's application for a payment plan is denied, the utility provider shall inform the customer, in writing, of the denial and of the option to file a written complaint pursuant to subsection (g) of this section.

(e)(1) A utility provider shall not disconnect service for non-payment of a bill or fees when a customer has entered into a payment plan under this section and has made payments in accordance with the terms of the payment plan;

(2) When a customer fails to pay in full the amounts due under a payment plan and the customer and utility provider have not mutually agreed to a modification of the terms of the payment plan, nothing under this section shall prevent a utility provider from either offering the customer a new payment plan or disconnecting service.

(3) Notwithstanding any provision in this section, a utility provider is not required to offer a customer a new payment plan when a customer has defaulted on a previous payment plan offered pursuant to this section.

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

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

(A) For utility providers regulated by the Public Service Commission and DC Water, the Office of the People's Counsel;

(B) For a cable operator, the Office of Cable Television, Film, Music and Entertainment; and

(C) For all other utility providers, the Department of Consumer and Regulatory Affairs and the Office of the Attorney General.

(g) A customer whose application for a payment plan is denied may file a written complaint with:

(1) For utility providers regulated by the Public Service Commission, the Public Service Commission, and the Office of the People's Counsel;

(2) For a cable operator, the Office of Cable Television, Film, Music and Entertainment; and

(3) For all other utility providers, the Department of Consumer and Regulatory Affairs.

(h) During a period of time for which the Mayor has declared a public health emergency, a utility provider regulated by the Public Service Commission shall reconnect service to occupied residential property upon an eligible customer's request and not charge a fee for this reconnection.

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

(1) "Cable operator" shall have the same meaning as provided in section 103(6) of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.03(6)).

(2) "DC Water" means the District of Columbia Water and Sewer Authority established pursuant to section 202(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.02(a)).

(3) "Electric company" shall have the same meaning as provided in section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

(4) "Eligible Customer" means a customer that:

(A) Has notified the utility provider of an inability to pay all or a portion of the amount due as a result, directly or indirectly, of the public health emergency;

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

(5) "Gas company" shall have the same meaning as provided in section 3(11) of the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(b)).

(6) "Program period" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) and:

(A) For a cable operator, or a telecommunications provider not regulated by the Public Service Commission, 60 days thereafter; or

(B) For any other utility provider, 6 months thereafter.

(7) "Telecommunications provider" means an entity that provides telecommunications services, whether through a telecommunications system or universal service, as those terms are defined, respectively, in section 2(21) and (22) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(21) and (22)), or other telecommunication service, whether such service is regulated by the Public Service Commission of the District of Columbia or the Federal Communications Commission, or is currently not regulated by either local or federal law.

(8) "Utility provider" means a cable operator, DC Water, an electric company, a gas company, or a telecommunications provider.

Sec. 309. Composting virtual training.

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

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

Sec. 310. Emergency Department of Insurance, Securities, and Banking authority.

The Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended by adding a new section 5a to read as follows:

"Sec. 5a. Emergency authority of the Commissioner during a declared public health emergency.

"(a) For the duration of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

"(1) Apply to any person or entity regulated by the Commissioner; and

"(2) Address:

"(A) Submission of claims or proof of loss;

"(B) Grace periods for payment of premiums and performance of other duties by insureds;

"(C) Temporary postponement of:

"(i) Cancellations;

"(ii) Nonrenewals; or

"(iii) Premium increases;

"(D) Modifications to insurance policies;

"(E) Insurer operations;

"(F) Filing requirements;

"(G) Procedures for obtaining nonelective health care services;

"(H) Time restrictions for filling or refilling prescription drugs;

"(I) Time frames applicable to an action by the Commissioner under this section;

"(J) Temporarily waiving application of laws, rulemaking, or requirements to ensure that depository services, non-depository services, and securities transactions can continue to be provided, including allowing for the opening of a temporary service location, which may be a mobile branch, temporary office space, or other facility; and

"(K) Any other activity related to insurance, securities, and banking and under the purview of the Commissioner reasonably calculated to protect the health, safety, and welfare of District residents during the public health emergency.

"(b) The Commissioner may require licensees to answer questions related to, and submit documentation of, the licensee's continuity of operations plan.

"(c)(1) To accomplish the purposes of this section, the Commissioner may issue emergency rulemaking, orders, or bulletins pursuant to this section specifying:

"(A) That the rulemaking, order, or bulletin is effective immediately;

"(B) The line or lines of business or the class or classes of licenses to which the regulation, order, or bulletin applies;

"(C) The geographic areas to which the regulation, order, or bulletin applies; and

"(D) The period of time for which the regulation, order, or bulletin applies.

"(2) A regulation issued under paragraph (1) of this subsection may not apply for longer than the duration of the effects of a declared public health emergency.".

Sec. 311. Vacant property designations.

Section 6(b) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)), is amended as follows:

(a) Paragraph (8) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(b) Paragraph (9) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(10) A commercial property that houses a business that has closed during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code§ 7-2304.01), as a result of the circumstances giving rise to or resulting from the public health emergency, and for 60 days thereafter.".

Sec. 312. Extension of licenses and registrations; waiver of deadlines.

Notwithstanding any provision of law during, or within 45 days after the end of, a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor, may:

(1) Prospectively or retroactively extend the validity of a license, registration, permit, or authorization, including driver licenses, vehicle registrations, professional licenses, registrations, and certifications;

(2) Waive the deadlines for filings, and waive fees, fines, and penalties associated with the failure to timely renew a license, registration, permit, or other authorization or to timely submit a filing; or

(3) Extend or waive the deadline by which action is required to be taken by the executive branch of the District government or by which an approval or disapproval is deemed to have occurred based on inaction by the executive branch of the District government.

TITLE IV. HOUSING AND TENANT PROTECTIONS

Sec. 401. Mortgage relief.

(a) In accordance with section 5(b)(15) 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(b)(15)),

and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Emergency Act"), and for 60 days thereafter, a mortgage lender that makes or holds a residential mortgage loan or commercial mortgage loan in the District shall develop a deferment program for borrowers that, at a minimum:

(1) Grants at least a 90-day deferment of the monthly payment of principal and interest on a mortgage for borrowers;

(2) Waives any late fee, processing fee, or any other fee accrued during the period of time for which the Mayor has declared a public health emergency pursuant to the Public Emergency Act; and

(3) Does not report to a credit reporting agency as delinquent the amounts subject to the deferral.

(b) The mortgage lender shall establish application criteria and procedures for borrowers to apply for the deferment program. An application or summary of procedures shall be made available online or by telephone.

(c) The mortgage lender shall approve each application in which a borrower:

(1) Demonstrates to the mortgage lender evidence of a financial hardship resulting directly or indirectly from the public health emergency, including an existing delinquency or future inability to make payments; and

(2) Agrees in writing to pay the deferred payments within:

(A) A reasonable time agreed to in writing by the applicant and the mortgage lender; or

(B) If no reasonable time can be agreed to pursuant to subparagraph (A) of this paragraph, 3 years from the end of the deferment period, or the end of the original term of the mortgage loan, whichever is earlier.

(d)(1) A mortgage lender who receives an application for deferment pursuant to this section shall retain the application, whether approved or denied, for at least 3 years after final payment is made on the mortgage or the mortgage is sold, whichever occurs first.

(2) Upon request, a mortgage lender shall make an application for deferment available to the Commissioner.

(3)(A)(i) A mortgage lender who approves an application for deferment pursuant to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all approved applications on a form prescribed by the Commissioner.

(ii) After the initial submission prescribed in this paragraph, a mortgage lender who approves an application for deferment pursuant to this section shall provide the Commissioner with a list of all new approvals in 15-day intervals for the duration of the public health emergency and for 60 days thereafter.

(iii) The Commissioner may request information on the number and nature of approvals between 15-day intervals.

(B) The Commissioner shall maintain a publicly available list of approved commercial loan deferral applications. The requirement of this subparagraph may be satisfied by posting to the Department of Insurance, Securities, and Banking website.

(e) A mortgage lender shall be prohibited from requesting or requiring a lump sum payment from any borrower making payments under a deferred payment program pursuant to this section, subject to investor guidelines.

(f) A person or business whose application for deferment is denied may file a written complaint with the Commissioner. The Commissioner is authorized to investigate the complaint in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

(g) The provisions of this section shall apply to any lender who makes or holds a commercial mortgage loan in the District, with the exception of national banks and federally chartered credit unions.

(h) To the extent necessary to conform with the provisions of this section, the provisions in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health emergency.

(i) This section shall not apply to a property for which, as of March 11, 2020, a mortgage lender initiated a foreclosure action or exercised its right to accelerate the balance and maturity date of the loan on or before March 11, 2020.

(j) This section shall not apply to a mortgage loan that is a Federally backed mortgage loan, as that term is defined in section 4022(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9056(a)(2)) ("CARES Act"), or a Federally backed multifamily mortgage loan, as that term is defined in section 4023(f)(2) of the CARES Act (15 U.S.C. § 9057(f)(2)).

(k) A mortgage lender that violates the provisions of this section shall be subject to the penalties prescribed in section 19 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1118).

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

(1) "Commercial mortgage loan" means a loan for the acquisition, construction, or development of real property, or a loan secured by collateral in such real property, that is owned or used by a person, business, or entity for the purpose of generating profit, and includes real property used for single-family housing, multifamily housing, retail, office space, and commercial space that is made, owned, or serviced by a mortgage lender.

(2) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(3) "Mortgage lender" means any person that makes a mortgage loan to any person or that engages in the business of servicing mortgage loans for others or collecting or otherwise receiving mortgage loan payments directly from borrowers for distribution to any

other person. The term "mortgage lender" does not include the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association.

Sec. 402. Tenant payment plans.

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

(1) Make a payment plan available to an eligible tenant for the payment of gross rent that comes due during the program period and prior to the cessation of tenancy ("covered time period"), with a minimum term length of one year unless a shorter payment plan term length is requested by the eligible tenant.

(2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering into a payment plan;

(3) Not report to a credit reporting agency as delinquent the rent subject to the payment plan;

(4) Provide that an eligible tenant does not lose any rights under the lease due to a default on the monetary amounts due during the lease period; provided, that the tenant does not default on the terms of the payment plan; and

(5) Notify all tenants of the availability, terms, and application process for its program.

(b)(1) Tenants entering into a payment plan shall be required to make payments in equal monthly installments for the duration of the payment plan unless a different payment schedule is requested by the tenant.

(2) A provider shall permit a tenant that has entered into a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) A provider shall not require or request a tenant to provide a lump-sum payment under a payment plan.

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

(c) A provider shall utilize existing procedures or, if necessary, establish new procedures to provide a process by which an eligible tenant may apply for a payment plan, which may include requiring the tenant to submit supporting documentation. A provider shall permit an application for a payment plan to occur online and by telephone.

(d) A provider shall approve each application for a payment plan submitted during a covered time period in which an eligible tenant:

(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the public health emergency:

(A) That is in addition to any delinquency or future inability to make rental payments in existence prior to the start of the public health emergency; and

(B) That would cause the tenant to be unable to qualify to rent the unit or space based on utilization of the same qualification criteria that were applied to the tenant at the time he or she was approved to rent the unit or space; and

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

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

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

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

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

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

(2) A commercial tenant whose application for a payment plan is denied may file a written complaint with the Department of Consumer and Regulatory Affairs.

(g) During the program period, unless the provider has offered a rent payment plan pursuant to this section and approved a rent payment plan pursuant to subsection (d) of this section, that provider shall be prohibited from filing any collection lawsuit or eviction for non-payment of rent; provided, that the tenant does not default on the terms of the payment plan.

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

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

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

(B) Is not a franchisee unless the franchise is owned by a District resident.

(2) "Housing provider" means a person or entity who is a residential landlord, residential owner, residential lessor, residential sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit within a housing accommodation within the District.

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

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

(i) Notwithstanding section 1202, this section shall apply as of May 19, 2020.

Sec. 403. Residential cleaning.

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

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

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

Sec. 404. Eviction prohibition.

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

(1) Section 16-1501 is amended as follows:

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

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

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

(2) Section 16-1502 is amended by striking the phrase "exclusive of Sundays and legal holidays" and inserting the phrase "exclusive of Sundays, legal holidays, and a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(b) Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(k)), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Paragraph (2) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(3) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 405. Residential tenant protections.

(a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section 510b to read as follows:

"Sec. 510b. Tolling of tenant deadlines during a public health emergency.

"The running of all time periods for tenants and tenant organizations to exercise rights under this act shall be tolled from the beginning of the period of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), until the end of the public health emergency, and for 30 days thereafter.".

(b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read as follows:

"(2)(A) A majority of the Rental Housing Commissioners shall constitute a quorum to do business, and a single vacancy shall not impair the right of the remaining Rental Housing Commissioners to exercise all powers of the Rental Housing Commission.

"(B) In the event that a majority of the Rental Housing Commissioners (or any one Commissioner if there is a vacancy) will be unable to perform their official duties for an extended period of time due to circumstances related to a declared state of emergency in the District of Columbia, including quarantine or movement restrictions, illness, or the care of a close family member, one Commissioner shall constitute a quorum to do business.

"(i) If the Chairperson will be unable to perform his or her duties, he or she shall designate an acting Chairperson or, if only one Commissioner is available, that Commissioner shall be automatically designated as acting Chairperson.

"(ii) The Chairperson of the Rental Housing Commission shall notify the Mayor and the Chairperson of the Council in writing of any temporary vacancy and whether the Commission is operating as a quorum of one.

"(iii) For such time as the Rental Housing Commission is operating as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency basis in accordance with section 105(c) of the District of Columbia Administrative Procedure Act, approved October 21, 2968 (82 Stat. 1206; D.C. Official Code § 2-505(c)).

"(iv) The authority to operate as a quorum of one shall terminate when at least one Rental Housing Commissioner notifies the Chairperson in writing that he or she is able to resume his or her duties. The authority may extend beyond the termination of the original declared state of emergency if Commissioners are personally affected by continuing circumstances.

(2) Section 208(a)(1) (D.C. Official Code § 42-3502.08(a)(1)) is amended as follows:

(A) Subparagraph (F) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Subparagraph (G) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(H) None of the circumstances set forth in section 904(c) applies.".

(3) Section 211 (D.C. Official Code § 42-3502.11) is amended as follows:

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

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

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

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

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

(4) Section 531(c) (D.C. Official Code § 42-3505.31(c)) is amended as follows:

(A) Paragraph (4) is amended by striking the phrase "or;" and inserting a semicolon in its place.

(B) Paragraph (5) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(6) Impose a late fee on a tenant during any month for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

(5) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

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

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

"(b) Any notice of intent to vacate that a tenant provided prior to the period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public health emergency such that the tenant shall have the same number of days to vacate remaining at the end of the public health emergency as the tenant had remaining upon the effective date of the public health emergency.".

(6) Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new subsection (c) to read as follows:

"(c) Any notice of intent to vacate that a tenant provided prior to the period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public health emergency such that the tenant shall have the same number of days to vacate remaining at the end of the public health emergency as the tenant had remaining upon the effective date of the public health emergency.".

(7) Section 904 D.C. Official Code § 42-3509.04) is amended by adding new subsections (c) and (d) to read as follows:

"(c) No housing provider may issue a rent increase notice to any residential tenant during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Emergency Act").

"(d)(1) Any rent increase, whether under this act, the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative decisions issued under these acts, shall be null and void and shall be issued anew in accordance with subsection (b) of this section if:

"(A) The effective date of the rent increase as stated on the notice of rent increase occurs during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter;

"(B) The notice of rent increase was provided to the tenant during a period for which a public health emergency has been declared; or

"(C) The notice was provided to the tenant prior to, but the rent increase takes effect following, a public health emergency.

"(2) The Rent Administrator shall review all notices to a tenant of an adjustment in the rent charged filed by a housing provider with the Rental Accommodations Division of the Department of Housing and Community Development for consistency with this subsection and shall inform the housing provider that:

"(A) A rent increase is prohibited during the public health emergency plus 30 days pursuant to this section;

"(B) The housing provider shall withdraw the rent increase notice;

"(C) The housing provider shall inform tenants in writing that any rent increase notice is null and void pursuant to the Coronavirus Support Emergency Amendment Act of 2020, passed on emergency basis on May 19, 2020 (Enrolled version of Bill 23-757);

"(D) The housing provider shall within 7 calendar days, file a certification with the Rental Accommodations Division that the notice letter required by subparagraph (C) of this paragraph was sent to tenants, along with a sample copy of the notice and a list of each tenant name and corresponding unit numbers; and

"(E) If it is determined that the housing provider knowingly demanded or received any rent increase prohibited by this act or substantially reduced or eliminated related

services previously provided for a rental unit, the housing provider may be subject to treble damages and a rollback of the rent, pursuant to section 901(a).".

(8) A new section 911 is added to read as follows:

"Sec. 911. Tolling of tenant deadlines during a public health emergency.

"The running of all time periods for tenants and tenant organizations to exercise rights under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.".

Sec. 406. Rent increase prohibition.

(a) Notwithstanding any other provision of law, a rent increase for a residential property not prohibited by the provisions of section 904(c) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), shall be prohibited during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

(b) Notwithstanding any other provision of law, a rent increase for a commercial retail property or a commercial property that is less than 6,500 square feet in size shall be prohibited during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

Sec. 407. Nonprofit corporations and cooperative association remote meetings.

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

(a) Section 29-405.01(e) is amended by striking the phrase "The articles of incorporation or bylaws may provide that an annual" and inserting the phrase "Notwithstanding the articles of incorporation or bylaws, during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), an annual" in its place.

(b) Section 29-910 is amended by striking the phrase "If authorized by the articles or bylaws" and inserting the phrase "During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws" in its place.

Sec. 408. Foreclosure moratorium.

(a)(1) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of

Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter, no residential foreclosure:

(A) May be initiated or conducted under section 539 or section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274; D.C. Official Code §§ 42-815 and 42-816); or

(B) Sale may be conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)).

(2) This subsection shall not apply to a residential property at which neither a record owner nor a person with an interest in the property as heir or beneficiary of a record owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of the first day of the public health emergency.

(b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase "3 years" and inserting the phrase "3 years, not including any period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter," in its place.

TITLE V. HEALTH AND HUMAN SERVICES

Sec. 501. Prescription drugs.

Section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by adding a new subsection (g-2) to read as follows:

"(g-2)(1) An individual licensed to practice pharmacy pursuant to this act may authorize and dispense a refill of patient prescription medications prior to the expiration of the waiting period between refills to allow District residents to maintain an adequate supply of necessary medication during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(2) This subsection shall not apply to any patient prescription for which a refill otherwise would be prohibited under District law.".

Sec. 502. Homeless services.

The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "not to exceed 3 days" and inserting the phrase "not to exceed 3 days; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may

place the family in an interim eligibility placement for a period not to exceed 60 days" in its place.

(2) Paragraph (2) is amended by striking the phrase "and section 9(a)(20)" and inserting the phrase "and section 9(a)(20); except, that the Mayor may extend an interim eligibility placement to coincide with the period of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(3) Paragraph (3) is amended by striking the phrase "within 12 days of the start of the interim eligibility placement" and inserting the phrase "within 12 days of the start of the interim eligibility placement; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days following the end of the public health emergency to issue the eligibility determination required by this paragraph" in its place.

(4) Paragraph (4) is amended by striking the phrase "start of an interim eligibility placement," and inserting the phrase "start of an interim eligibility placement, or as otherwise required by paragraph (3) of this subsection" in its place.

(b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the phrase "and other professionals" and inserting the phrase "and other professionals; except, that the Mayor may waive the requirements of this provision for in-person meetings and communications during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase "established pursuant to section 18" and inserting the phrase "established pursuant to section 18; except, that the Mayor may waive this provision during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the phrase "served on the client." and inserting the phrase "served on the client; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may serve written notice via electronic transmission." in its place.

(e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase "to the unit; or" and inserting the phrase "to the unit;" in its place.

(B) Subparagraph (B) is amended by striking the phrase "at the location" and inserting the phrase "at the location; or" in its place.

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

"(C) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or mitigate the spread of contagious disease, as determined by the Department or provider." in its place.

(2) Paragraph (2) is amended by striking the phrase "to paragraph (1)(B)" and inserting the phrase "to paragraph (1)(B) or (C)" in its place.

Sec. 503. Extension of care and custody for aged-out youth.

(a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as follows:

(1) Paragraph (12) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (13) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (14) is added to read as follows:

"(14) To retain custody of a youth committed to the Agency who becomes 21 years of age during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), for a period not exceeding 90 days after the end of the public health emergency; provided, that the youth consents to the Agency's continued custody .".

(b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-2303 is amended as follows:

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

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

"(b) The Division shall retain jurisdiction of a minor in the legal custody of a public agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, for a period not exceeding 90 days after the end of the public health emergency; provided, that the minor consents to the Division's retention of jurisdiction.".

(2) Section 16-2322(f)(1) is amended by striking the phrase "twenty-one years of age" and inserting the phrase "21 years of age, not including orders extended pursuant to § 16-2303(b)" in its place.

Sec. 504. Standby guardianship.

Section 16-4802 of the District of Columbia Official Code is amended as follows:

(a) A new paragraph (5A) is added to read as follows:

"(5A) "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.".

(b) Paragraph (6) is amended to read as follows:

"(6) "Debilitation" means those periods when a person cannot care for that person's minor child as a result of:

"(A) A chronic condition caused by physical illness, disease, or injury from which, to a reasonable degree of probability, the designator may not recover; or

"(B) A serious medical condition caused by COVID-19.".

(c) Paragraph (10) is amended to read as follows:

"(10) "Incapacity" means:

"(A) A chronic and substantial inability, as a result of a mental or organic impairment, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child; or

"(B) A substantial inability, as a result of COVID-19, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child.".

(d) Paragraph (13) is amended to read as follows:

"(13) "Triggering event" means any of the following events:

"(A) The designator is subject to an adverse immigration action;

"(B) The designator has been diagnosed, in writing, by a licensed clinician to suffer from a chronic condition caused by injury, disease, or illness from which, to a reasonable degree of probability, the designator may not recover and the designator:

"(i) Becomes debilitated, with the designator's written acknowledgement of debilitation and consent to commencement of the standby guardianship;

"(ii) Becomes incapacitated as determined by an attending clinician; or

"(iii) Dies; or

"(C) The designator has been diagnosed, in writing, by a licensed clinician to suffer from COVID-19 and the designator:

"(i) Becomes debilitated, with the designator's written acknowledgement of debilitation and consent to commencement of the standby guardianship;

"(ii) Becomes incapacitated as determined by an attending clinician; or

"(iii) Dies.".

Sec. 505. Health status and residence of wards.

Subchapter V of Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

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

"21-2047.03. Duty of guardian to inform certain relatives about the health status and residence of a ward."

(b) A new section 21-2047.03 is added to read as follows:

§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and residence of a ward.

"(a) During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), the guardian of a ward shall inform at least one relative of the ward, if one exists pursuant to subsection (d) of this section, as soon as practicable but no later than within 48 hours, of the following events:

"(1) The ward dies;

"(2) The ward is admitted to a medical facility;

"(3) The ward is transferred to acute care;

"(4) The ward is placed on a ventilator;

"(5) The residence of the ward or the location where the ward lives has changed; and

"(6) The ward is staying at a location other than the residence of the ward for a period that exceeds 7 consecutive days.

"(b) In the case of the death of the ward, the guardian shall inform at least one relative of the ward, if one exists, pursuant to subsection (d) of this section, of any funeral arrangements and the location of the final resting place of the ward at least 72 hours before the funeral.

"(c) Nothing in this section shall be construed to exempt a guardian from complying with federal or District privacy laws to which they are otherwise subject.

"(d) This section shall apply only to the relative of a ward:

"(1) Against whom a protective order is not in effect to protect the ward;

"(2) Who has not been found by a court or other state agency to have abused, neglected, or exploited the ward; and

"(3) Who has elected in writing to receive a notice about the ward.

"(e) For the purposes of this section the term:

"(1) "Relative" means a spouse, parent, sibling, child, or domestic partner of the ward.

"(2) "Domestic partner" shall have the same meaning as in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32–701(3)).".

Sec. 506. Contact tracing hiring requirements.

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

"Sec. 9a. Contact tracing hiring requirements.

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

Sec. 507. Public health emergency authority.

The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

(a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "District of Columbia government;" and inserting the phrase "District of Columbia government; provided further, that a summary of each emergency procurement entered into during a period for which a public health emergency is declared shall be provided to the Council no later than 7 days after the contract is awarded. The summary shall include:

(A) A description of the goods or services procured;

(B) The source selection method;

(C) The award amount; and

(D) The name of the awardee.".

(2) Paragraph (13) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(3) Paragraph (14) is amended by striking the period at the end and inserting a semicolon in its place.

(4) New paragraphs (15) and (16) are added to read as follows:

"(15) Waive application of any law administered by the Department of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or welfare of District residents; and

"(16) Notwithstanding any provision of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*) ("CMPA"), or the rules issued pursuant to the CMPA, the Jobs for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code § 1-515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the following personnel actions regarding executive branch subordinate agencies that the Mayor determines necessary and appropriate to address the emergency:

"(A) Redeploying employees within or between agencies;

"(B) Modifying employees' tours of duty;

"(C) Modifying employees' places of duty;

"(D) Mandating telework;

"(E) Extending shifts and assigning additional shifts;

"(F) Providing appropriate meals to employees required to work overtime or work without meal breaks;

"(G) Assigning additional duties to employees;

"(H) Extending existing terms of employees;

"(I) Hiring new employees into the Career, Education, and Management Supervisory Services without competition;

"(J) Eliminating any annuity offsets established by any law; or

"(K) Denying leave or rescinding approval of previously approved leave.".

(b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "solely for the duration of the public health emergency; and" and inserting the phrase "solely for actions taken during the public health emergency;" in its place.

(2) Paragraph (4) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) Waive application in the District of any law administered by the Department of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health, safety, and welfare of District residents;

"(6) Authorize the use of crisis standards of care or modified means of delivery of health care services in scarce-resource situations; and

"(7) Authorize the Department of Health to coordinate health-care delivery for first aid within the limits of individual licensure in shelters or facilities as provided in plans and protocols published by the Department of Health.".

(c) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1) to read as follows:

"(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order ("emergency orders") issued in response to the coronavirus (SARS CoV-2) for an additional 135-day period. After the additional 135-day extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this section.".

(d) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

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

(2) New subsections (b) and (c) are added to read as follows:

"(b) The Mayor may revoke, suspend, or limit the license, permit, or certificate of occupancy of a person or entity that violates an emergency executive order.

"(c) For the purposes of this section a violation of a rule, order, or other issuance issued under the authority of an emergency executive order shall constitute a violation of the emergency executive order.".

Sec. 508. Public benefits clarification and continued access.

(a) The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(1) Section 101 (D.C. Official Code § 4-201.01) is amended by adding a new paragraph (2A-i) to read as follows:

"(2A-i) "COVID-19 relief" means any benefit in cash or in kind, including pandemic Supplemental Nutrition Assistance Program benefits, emergency Supplemental Nutrition Assistance Program benefits, and advance refund of tax credits, that are of a gain or benefit to a household and were received pursuant to federal or District relief provided in response to the COVID-19 Public Health Emergency of 2020. This term does not include COVID-19 related unemployment insurance benefits.".

(2) Section 505(4) (D.C. Official Code § 4-205.05(4)) is amended by striking the phrase "medical assistance" and inserting the phrase "medical assistance; COVID-19 relief;" in its place.

(3) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a new paragraph (4) to read as follows:

"(4) COVID-19 relief shall not be considered in determining eligibility for TANF and shall not be treated as a lump-sum payment or settlement under this act.".

(b) Notwithstanding any provision of District law, the Mayor may extend the eligibility period for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program, including the DC Healthcare Alliance and Immigrant Children's program, Temporary Assistance for Needy Families, and Supplemental Nutritional Assistance Program, until 60 days after the end of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as allowable under federal law.

Sec. 509. Notice of modified staffing levels.

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

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

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

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

"(iii) Provide a written report of the staffing level to the Department of Health for each day that the facility is below the prescribed staffing level as a result of circumstances giving rise to a public health emergency during a period of time for which the Mayor has declared a

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

Sec. 510. Not-for-Profit Hospital Corporation.

Section 5115(l) of the Not-For-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04(l)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Subsections (a), (b)," and inserting the phrase "Except as provided in paragraph (1A), subsections (a), (b)," in its place.

(b) A new paragraph (1A) is added to read as follows:

"(1A) During the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), subsections (a), (b), (c), (d), (e), and (f) of this section shall expire if:

"(A) By September 15, 2019, the Board does not adopt a revised budget for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District of Columbia as being balanced with a District operating subsidy of $22.14 million or less; or

"(B) At any time after September 30, 2020, a District operating subsidy of more than $15 million per year is required.".

Sec. 511. Discharge of Long-Term Care residents

Section 301 of the Nursing Home and Community Residence Facilities Protection Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1003.01), is amended by adding a new subsection (c) to read as follows:

"(c) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), plus an additional 45 days following the end of that period, a facility providing long-term care shall not involuntarily discharge a resident except because the discharge:

"(1) Results from the completion of the resident's skilled nursing or medical care; or

"(2) Is essential to safeguard that resident or one or more other residents from physical injury.".

Sec. 512. Long-Term Care Facility reporting of positive cases.

Each long-term care facility located in the District shall report daily to the Department of Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the long-term care facility during the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of

1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter.

Sec. 513. Food access study.

The Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-311 *et seq.*), is amended by adding a new section 5a to read as follows:

"Sec. 5a. Food access study.

"(a) By July 15, 2020, the Food Policy Director, in consultation with the Department of Employment Services, the Department of Human Services, the Homeland Security and Emergency Management Agency, and, as needed, other District agencies, shall make publicly available a study that evaluates and makes recommendations regarding food access needs during and following the COVID-19 public health emergency, including:

"(1) An analysis of current and projected food insecurity rates, based on data compiled across District agencies; and

"(2) A plan for how to address food needs during and following the public health emergency.

"(b) For the purposes of this section, the term "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.".

Sec. 514. Hospital support funding.

(a) The Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor's sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a grant application in the form and with the information required by the Mayor.

(b) The amount of a grant issued to an eligible hospital shall be based on:

(1) An allocation formula based on the number of beds at the eligible hospital; or

(2) Such other method or formula, as established by the Mayor, that addresses the impacts of COVID-19 on eligible hospitals.

(c) A grant issued pursuant to this section may be expended by the eligible hospital for:

(1) Supplies and equipment related to the COVID-19 emergency, including personal protective equipment, sanitization and cleaning products, medical supplies and equipment, and testing supplies and equipment;

(2) Personnel costs incurred to respond to the COVID-19 emergency, including the costs of contract staff; and

(3) Costs of constructing and operating temporary structures to test individuals for COVID-19 or to treat patients with COVID-19.

(d) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of administering the grant program authorized by this section and making subgrants on behalf of the Mayor in accordance with the requirements of this section.

(e) The Mayor shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days after the end of the COVID-19 emergency, whichever is earlier.

(f) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue rules to implement the provisions of this section.

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

(1) "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

(2) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those emergencies.

(3) "Eligible hospital" means a non-profit or for-profit hospital located in the District.

Sec. 515. Contractor reporting of positive cases.

(a) A District government contractor or subcontractor shall immediately provide written notice to the District if it or its subcontractor learns, or has reason to believe, that a covered employee has come into contact with, had a high likelihood of coming into contact with, or has worked in close physical proximity to a covered individual.

(b) Notices under subsection (a) of this section shall be made to the District government's contracting officer and contract administrator, or, if a covered individual is in care or custody of the District, to the District agency authorized to receive personally identifiable information. The notices shall contain the following information:

(1) The name, job title, and contact information of the covered employee;

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

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

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

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

(c) A District government contractor or subcontractor shall immediately cease the on-site performance of a covered employee until such time as the covered employee no longer poses a health risk as determined in writing by a licensed health care provider. The District government contractor shall provide a written copy of the determination to the contract administrator and the

contracting officer before the covered employee returns to his or her tour-of-duty location or jobsite address.

(d) The District shall privately and securely maintain all personally identifiable information of covered employees and covered individuals and shall not disclose such information to a third party except as authorized or required by law. District contractors and subcontractors may submit notices pursuant to subsection (a) of this section and otherwise transmit personally identifiable information electronically; provided, that all personally identifiable information be transmitted via a secure or otherwise encrypted data method.

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

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

(A) Tested positive for the novel coronavirus (SARS-CoV-2);

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

(C) Is exhibiting symptoms of COVID-19.

(2) "Covered individual" means:

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

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

(C) A member of the public who interacted with, or was in close proximity to, a covered employee while the covered employee carried out performance under a District government contract or subcontract and while the covered employee was at a District government facility or a facility maintained or served by the contractor or subcontractor under a District government contract or subcontract.

(3) "COVID-19" means the disease caused by the novel 2019 coronavirus (SARS-CoV-2).

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

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

(f) This section shall apply to all District government contracts and subcontracts that were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and for 30 days thereafter.

TITLE VI. EDUCATION

Sec. 601. Graduation requirements.

Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2201 *et seq.*) is amended as follows:

(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase "shall be satisfactorily completed" and inserting the phrase "shall be satisfactorily completed; except, that this requirement shall be waived for a senior who otherwise would be eligible to graduate from high school in the District of Columbia in the 2019-20 school year" in its place.

(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year" and inserting the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year; except, that following the Superintendent's approval to grant an exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A DCMR § 2100.3 for school year 2019-20, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020 academic year for any course in which a student in grades 9-12 is enrolled" in its place.

Sec. 602. Out of school time report waiver.

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

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

Sec. 603. Summer school attendance.

Section 206 of the Student Promotion Act of 2013, effective February 22, 2014 (D.C. Law 20-84; D.C. Official Code § 38-781.05), is amended by adding a new subsection (c) to read as follows:

"(c) The Chancellor shall have the authority to waive the requirements of subsection (a) of this section for any student who fails to meet the promotion criteria specified in the DCMR during a school year that includes a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 604. Education research practice partnership review panel.

Section 104(d)(2) of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.03(d)(2)), is amended by striking the phrase "timely manner" and inserting the phrase "timely manner; except, that upon the declaration of a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the meeting of the review panel shall

be postponed until 7 business days following the end of the period of time for which the public health emergency was declared" in its place.

Sec. 605. UDC Board of Trustees terms.

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

(a) Subsections (d), (e), and (f) are amended to read as follows:

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

"(e) A member of the Board of Trustees who is elected as graduate member degree holder pursuant to subsection (c)(3) of this section may be re-elected to serve one additional term, after which he or she may not again be elected pursuant to subsection (c)(3) of this section until at least 5 years have passed following his or her last day of service on the Board.".

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

Sec. 606. UDC fundraising match.

Section 4082(a) of the University of the District of Columbia Fundraising Match Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by striking the phrase "for every $2 that UDC raises from private donations by April 1" and inserting the phrase "to match dollar-for-dollar the amount UDC raises from private donations by May 1" in its place.

TITLE VII. PUBLIC SAFETY AND JUSTICE

Sec. 701. Jail reporting.

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

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

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

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

"(7) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the

Council Committee with jurisdiction over the Office a weekly written update containing the following information:

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

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

"(C) A description of:

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

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

Sec. 702. Civil rights enforcement.

The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

"Sec. 316a. Civil actions by the Attorney General.

"During a period of time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action initiated by the Attorney General for the District of Columbia ("Attorney General") for violations of this act, or a civil action arising in connection with the PHE, other than an action brought pursuant to section 307:

"(1) The Attorney General may obtain:

"(A) Injunctive relief, as described in section 307;

"(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-1), for each action or practice in violation of this act, and, in the context of a discriminatory advertisement, for each day the advertisement was posted; and

"(C) Any other form of relief described in section 313(a)(1); and

"(2) The Attorney General may seek subpoenas for the production of documents and materials or for the attendance and testimony of witnesses under oath, or both, which shall contain the information described in section 110a(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) ("Act"), and shall follow the procedures

described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and (e)); provided, that the subpoenas are not directed to a District government official or entity.".

Sec. 703. FEMS reassignments.

Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as follows:

"(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign personnel of the Fire and Emergency Medical Services Department from firefighting and emergency medical services operations during a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), based upon the inability of the personnel to wear personal protective equipment in a manner consistent with medical and health guidelines.".

Sec. 704. Police Complaints Board investigation extension.

Section 5(d-3) of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104(d-3)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "January 1, 2017, through December 31, 2019" and inserting the phrase "August 1, 2019, through January 31, 2020" in its place.

(b) Paragraph (2) is amended by striking the date "April 30, 2021" and inserting the date "September 30, 2021" in its place.

Sec. 705. Extension of time for non-custodial arrestees to report.

Section 23-501(4) of the District of Columbia Official Code is amended by striking the period and inserting the phrase ", or within 90 days, if the non-custodial arrest was conducted during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01." in its place.

Sec. 706. Good time credits and compassionate release.

(a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking the phrase "this section combined" and inserting the phrase "this section combined; except, that during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to award additional credits beyond the limits described in this subsection to effectuate the immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and this section, consistent with public safety.".

(b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(1) A new section 3a-1 is added to read as follows:

"Sec. 3a-1. Good time credit for felony offenses committed before August 5, 2000.

"(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be retroactively awarded good time credit toward the service of the defendant's sentence of up to 54 days for each year of the defendant's sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

"(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; provided, that in the event of a maximum term of life, only the minimum term shall receive good time.

"(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded good time credit toward the service of the defendant's sentence of up to 54 days for each year of the defendant's sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

"(2) An award of good time credit pursuant to paragraph (1) of this subsection:

"(A) Shall apply to any mandatory minimum term of incarceration; and

"(B) Is not intended to modify how the defendant is awarded good time credit toward any portion of the sentence other than the mandatory minimum.".

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

"Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

"(a) Notwithstanding any other provision of law, the court may modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and:

"(1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;

"(2) The defendant is 60 years of age or older and has served at least 25 years in prison; or

"(3) Other extraordinary and compelling reasons warrant such a modification, including:

"(A) A debilitating medical condition involving an incurable, progressive illness, or a debilitating injury from which the defendant will not recover;

"(B) Elderly age, defined as a defendant who:

"(i) Is 60 years of age or older;

"(ii) Has served at least 20 years in prison or has served the greater of 10 years or 75% of his or her sentence; and

"(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

"(C) Death or incapacitation of the family member caregiver of the defendant's children; or

"(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

"(b) Motions brought pursuant to this section may be brought by the United States Attorney's Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

"(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

"(d) For the purposes of this section, the term "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2. Sec. 707. Healthcare provider liability.

(a) Notwithstanding any provision of District law:

(1) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from liability in a civil action for damages resulting from such care or treatment of COVID-19, or from any act or failure to act in providing or arranging medical treatment for COVID-19;

(2) A donor of time, professional services, equipment, or supplies for the benefit of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed individual with COVID-19, or care for the family members of such individuals for damages resulting from such donation shall be exempt from liability in a civil action; and

(3) A contractor or subcontractor on a District government contract that has been contracted to provide either health care services or human care services, consistent with section 104(37) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(37)), related to the District government's COVID-19 response shall be exempt from liability in a civil action.

(b) The limitations on liability provided for by subsection (a) of this section shall apply to any healthcare provider, first responder, volunteer, donor, or District government contractor or subcontractor of a District government contractor ("provider"), including a party involved in the healthcare process at the request of a health-care facility or the District government and acting within the scope of the provider's employment or organization's purpose, contractual or voluntary service, or donation, even if outside the provider's professional scope of practice, state of licensure, or with an expired license, who:

(1) Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn,

and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176; 132 Stat. 1372).

(2) Provides direct or ancillary health-care services or health care products, including direct patient care, testing, equipment or supplies, consultations, triage services, resource teams, nutrition services, or physical, mental, and behavioral therapies; or

(3) Utilizes equipment or supplies outside of the product's normal use for medical practice and the provision of health-care services to combat the COVID-19 virus;

(c) The limitations on civil liability provided for by subsection (a) of this section shall not extend to:

(1) Acts or omissions that constitute actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct; or

(2) Acts or omissions unrelated to direct patient care; provided, that a contractor or subcontractor shall not be liable for damages for any act or omission alleged to have caused an individual to contract COVID-19.

(d) The limitations on liability provided for by subsection (a) of this section extend to acts, omissions, and donations performed or made during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to damages that ensue at any time from acts, omissions, and donations made during the public health emergency.

(e) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal prosecution for any act or failure to act in providing or arranging medical treatment for COVID-19 during a public health emergency, if such action is made in good faith.

(f) The limitations on liability provided for by this section do not limit the applicability of other limitations on liability, including qualified and absolute immunity, that may otherwise apply to a person covered by this section.

(g) For the purposes of this section, the term "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

TITLE VIII. GOVERNMENT OPERATIONS

Sec. 801. Board of Elections stipends.

Section 1108(c-1)(10) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(10)), is amended by striking the phrase "Chairperson per year" and inserting the phrase "Chairperson per year; except, that for the remainder of 2020 following April 10, 2020, District of Columbia Board of Elections members shall be entitled to compensation at the hourly rate of $40 while actually in the service of the board, not to exceed $25,000 for each member per year and $53,000 for the Chairperson per year" in its place.

Sec. 802. Retirement Board Financial disclosure extension of time.

Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 884; D.C. Official Code § 1-731(a)(1)), is amended by striking the phrase "April 30th" and inserting the phrase "July 30th" in its place.

Sec. 803. Ethics and campaign finance.

(a) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new subsection (c-2) to read as follows:

"(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

"(1) Reports required by this section are to be filed; and

"(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.".

(2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

"(1) Reports required by subsection (a) of this section are to be filed; and

"(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.".

(3) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which reports required by subsection (a) of this section shall be filed.".

(b) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), is amended as follows:

(1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by striking the phrase "in person, although online materials may be used to supplement the training" and inserting the phrase "in person or online" in its place.

(2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the phrase "5 days after" wherever it appears and inserting the phrase "5 business days after" in its place.

(3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking the phrase "Within 5 days after" and inserting the phrase "Within 5 business days after" in its place.

ENROLLED ORIGINAL

Sec. 804. Election preparations.

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

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph (31) to read as follows:

"(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, the term "polling place" shall include Vote Centers operated by the Board throughout the District.".

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

(1) A new paragraph (9A) is added to read as follows:

"(9A) For the June 2, 2020, Primary Election, mail every registered qualified elector an absentee ballot application and a postage-paid return envelope;".

(2) Paragraph (10A) is amended by striking the phrase "7th day after the election" and inserting the phrase "7th day after the election; provided, that for elections held in calendar year 2020, the Board shall accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election" in its place.

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

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

(A) Subparagraph (C) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Subparagraph (D) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, regularly promote the Board's revised plans for those elections on the voter registration agencies' social media platforms, including by providing information about how to register to vote and vote by mail.".

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

"(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election.".

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

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

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

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

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

"(ii) Returned by qualified petition circulators to the candidate; and

"(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(g-1) In calendar year 2020:

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

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

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

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

Sec. 805. Absentee ballot request signature waiver.

Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR § 720.7(h)) is amended by striking the phrase "Voter's signature" and inserting the phrase "Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16, 2020, Ward 2 Special Election, voter's signature" in its place.

Sec. 806. Overseas ballot extension.

Section 110 of the Uniform Military and Overseas Voters Act of 2012, effective June 5, 2012 (D.C. Law 19-137; D.C. Official Code § 1-1061.10), is amended by striking the phrase "after the election;" and inserting the phrase "after the election; provided, that for elections held in calendar year 2020, the Board shall accept a military-overseas ballot postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election;" in its place.

Sec. 807. Remote notarizations.

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

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

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

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

"(B) Is specifically designed to facilitate remote notarizations.".

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

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

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

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

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

"(2) The notary public:

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

"(B) Has satisfactory evidence of the identity of the individual by means of:

"(i) Personal knowledge or by the individual's presentation of a current government-issued identification that contains the signature or photograph of the individual to the notary public during the video conference; or

"(ii) A verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify based on a current passport, driver's license, or government-issued nondriver identification card;

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

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

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

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

"(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act; and

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

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

"(d) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a notarial act shall be deemed to be performed in the District.".

Sec. 808. Freedom of Information Act.

The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(2) Subsection (d)(1) is amended by striking the phrase "Sundays, and" both times it appears and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c) to read as follows:

"(c) For the purposes of this title, the term "COVID-19 closure" means:

"(1) A period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

"(2) A period of time during which a public body is closed due to the COVID-19 coronavirus disease, as determined by the personnel authority of the public body.".

Sec. 809. Open meetings.

The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(4) During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.".

(b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6) to read as follows:

"(6) The public posting requirements of paragraph (2)(A) of this section shall not apply during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

(c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the phrase "attend the meeting;" and inserting the phrase "attend the meeting, or in the case of a meeting held during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.".

(d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new paragraph (3) to read as follows:

"(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be tolled during a period for which a public health emergency has been declared pursuant to section

5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 810. Electronic witnessing.

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

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

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

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

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

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

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

"(11B) "Sign" means with present intent to authenticate or adopt a record to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence of the signatory.".

Sec. 811. Electronic wills.

Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

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

"18-813. Electronic wills.".

(b) Section 18-103(2) is amended by striking the phrase "in the presence of the testator" and inserting the phrase "in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined in § 18-813(a)(2), of the testator" in its place.

(c) A new section 18-813 is added to read as follows:

"§ 18-813. Electronic wills.

"(a) For the purposes of this section, the term:

"(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

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

"(3) "Electronic will" means a will or codicil executed by electronic means.

"(4) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

"(5) "Sign" means, with present intent to authenticate or adopt a record, to:

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

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

"(b)(1) A validly executed electronic will shall be a record that is:

"(A) Readable as text at the time of signing pursuant to subparagraph (B) of this paragraph; and

"(B) Signed:

"(i) By the testator, or by another person in the testator's physical presence and by the testator's express direction; and

"(ii) In the physical or electronic presence of the testator by at least 2 credible witnesses, each of whom is physically located in the United States at the time of signing.

"(2) In order for the electronic will to be admitted to the Probate Court, the testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who supervised the execution of the electronic will shall certify a paper copy of the electronic will by affirming under penalty of perjury that:

"(A) The paper copy of the electronic will is a complete, true, and accurate copy of the electronic will; and

"(B) The conditions in paragraph (1) of this subsection were satisfied at the time the electronic will was signed.

"(3) Except as provided in subsection (c) of this section, a certified paper copy of an electronic will shall be deemed to be the electronic will of the testator for all purposes under this title.

"(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

"(2) An electronic will, or a part thereof, is revoked by:

"(A) A subsequent will or electronic will that revokes the electronic will, or a part thereof, expressly or by inconsistency; or

"(B) A direct physical act cancelling the electronic will, or a part thereof, with the intention of revoking it, by the testator or a person in the testator's physical presence and by the testator's express direction and consent.

"(3) After it is revoked, an electronic will, or a part thereof, may not be revived other than by its re-execution, or by a codicil executed as provided in the case of wills or electronic wills, and then only to the extent to which an intention to revive is shown in the codicil.

"(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if executed in compliance with the law of the jurisdiction where the testator is:

"(1) Physically located when the electronic will is signed; or

"(2) Domiciled or resides when the electronic will is signed or when the testator dies.

"(e) Except as otherwise provided in this section:

"(1) An electronic will is a will for all purposes under the laws of the District of Columbia; and

"(2) The laws of the District of Columbia applicable to wills and principles of equity apply to an electronic will.

"(f) This section shall apply to electronic wills made during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.".

Sec. 812. Administrative hearings deadlines.

Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the 90-day time period to request a hearing shall be tolled:

(1) To review an adverse action by the Mayor concerning any new application for public assistance or any application or request for a change in the amount, kind or conditions of public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or conditions of public assistance benefits or to take other action adverse to the recipient pursuant to section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4–210.09); or

(2) To appeal an adverse decision listed in section 26(b) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4–754.41(b)).

Sec. 813. Other boards and commissions.

Notwithstanding any provision of law, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

(1) Any requirement for a board, commission, or other public body to meet is waived, unless the Mayor determines that it is necessary or appropriate for the board, commission, or other public body to meet during the period of the public health emergency, in which case the Mayor may order the board, commission, or other public body to meet;

(2) Any vacancy that occurs on a board or commission shall not be considered a vacancy for the purposes of nominating a replacement; and

(3) The review period for nominations transmitted to the Council for approval or disapproval in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), shall be tolled.

TITLE IX. LEGISLATIVE BRANCH

Sec. 901. Council Rules.

The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(a) Section 101(31) is amended by striking the phrase "in 2020." and inserting the phrase "in 2020. For 2020, the summer recess shall be August 1st through September 7th." in its place

(b) Section 367 is amended by striking the phrase "remote voting or proxy shall" and inserting the phrase "proxy shall" in its place.

(c) Rule VI(c) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23, is amended by adding a new paragraph (5) to read as follows:

"(5) Notwithstanding any other rule, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Councilmember may disseminate information about, and connect constituents with, services and offers, including from for-profit entities, that the Councilmember determines is in the public interest in light of the public health emergency.".

(d) Rule X(f)(1)(C) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23, is amended by striking the phrase "The proposed" and inserting the phrase "Unless the electronic newsletter exclusively contains information relating to a declared public health emergency, the proposed" in its place.

Sec. 902. Grant budget modifications.

(a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the federal, private, and other grants related to the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), both declared on March 11, 2020, submitted to the Council for approval and accompanied by a report by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)).

(b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant related to the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), both declared on March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of addressing a public emergency, if:

(1) No written notice of disapproval is filed with the Secretary to the Council within 2 business days of the receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

(2) Such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5 calendar days of the initial receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

Sec. 903. Budget submission requirements.

The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

(a) Section 2 is amended by striking the phrase "not later than March 19, 2020," and inserting the phrase "not later than May 18, 2020, unless another date is set by subsequent resolution of the Council" in its place.

(b) Section 3(2) is amended as follows:

(1) Subparagraph (A) is amended by striking the phase "the proposed Fiscal Year 2021 Local Budget Act of 2020," and inserting the phrase "the proposed Fiscal Year 2021 Local Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the proposed Fiscal Year 2021 Local Budget Temporary Act of 2020," in its place.

(2) Subparagraph (C) is amended by striking the phrase "produced from PeopleSoft on March 19, 2020" and inserting the phrase "produced from PeopleSoft on May 18, 2020" in its place.

Sec. 904. Tolling of matters transmitted to the Council.

(a) Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

(1) Subsection (c) is amended by striking the phrase "180 days," and inserting the phrase "180 days, excluding days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place

(2) Subsection (e) is amended by striking the phrase "excluding days of Council recess" and inserting the phrase "excluding days of Council recess and days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(3) Subsection (f) is amended by striking the phrase "Council shall have an additional 45 days, excluding days of Council recess," and inserting the phrase "Council shall have an additional 45 days, excluding days of Council recess and days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(b) Notwithstanding any provision of law, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the review period for any matter transmitted to the Council for approval or disapproval, other than nominations transmitted in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), contract approvals, or reprogrammings transmitted in accordance with section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-363), shall be tolled if not inconsistent with the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

ENROLLED ORIGINAL

Sec. 905. Advisory Neighborhood Commissions.

The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

(b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "prior to a general election" both times it appears and inserting the phrase "prior to a general election or during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(2) Paragraph (6) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "and legal holidays" and inserting the phrase "legal holidays, and days during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(B) Subparagraph (C) is amended by striking the phrase "petitions available," and inserting the phrase "petitions available, not including days during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(C) Subparagraph (E) is amended by striking the phrase "or special meeting" and inserting the phrase "or special meeting, not to include a remote meeting held during a period of time for which a public health emergency has been declared by the Mayor

pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection (q) to read as follows:

"(q) During a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

"(1) The 30-day written notice requirement set forth in subsection (b) of this section shall be a 51-day written notice requirement; and

"(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of this section shall be a 66-calendar-day notice requirement.".

(d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "by the Commission." and inserting the phrase "by the Commission; provided, that no meetings shall be required to be held during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be held in a given year shall be reduced by one for every 30 days that a public health emergency is in effect during the year.".

(2) A new paragraph (1B) is added to read as follows:

"(1B) Notwithstanding any other provision of law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and remotely participate in that meeting and vote on matters before the Commission without being physically present through a teleconference or through digital means identified by the Commission for this purpose. Members physically or remotely present shall be counted for determination of a quorum.".

(e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

(1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as follows:

"(C) Subparagraph (A)(i) of this paragraph shall not apply to the failure to file quarterly reports due during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

(2) Subsection (m)(1) is amended by striking the phrase "District government" and inserting the phrase "District government; except, that notwithstanding any provision of District law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including

food or supplies, during the public health emergency, or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government" in its place.

TITLE X. BORROWING AUTHORITY

SUBTITLE A. GENERAL OBLIGATION NOTES

Sec. 1001. Short title.

This subtitle may be cited as the "Fiscal Year 2020 General Obligation Notes Emergency Act of 2020".

Sec. 1002. Definitions.

For the purposes of this subtitle, the term:

(1) "Additional Notes" means District general obligation notes described in section 1009 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

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

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

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 1007.

(11) "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.*).

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation notes authorized to be issued pursuant to this subtitle.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys

advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 1009 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1003. Findings.

The Council finds that:

(1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to meet appropriations for that fiscal year.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The issuance of general obligation notes in a sum not to exceed $300,000,000 is in the public interest.

Sec. 1004. Note authorization.

(a) The District is authorized to incur indebtedness, for operating or capital expenses, by issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed $300,000,000, to meet appropriations for the fiscal year ending September 30, 2020.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1005. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2020 General Obligation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2021.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

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

Sec. 1006. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes. .

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The certificate shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificate. A copy of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificate.

Sec. 1007. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83) and under any other law, provide in each annual

budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(f) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to the effective date of this subtitle, relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the

District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of $1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 20% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

(1) An investment or obligation of the District as represented by the notes;

(2) An investment or obligation or program of investment; or

(3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1008. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less-than-sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1009. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the provisions of section 1007 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement.

Sec. 1010. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1011. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1012. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1013. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1014. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

ENROLLED ORIGINAL

SUBTITLE B. TRANs NOTES

Sec. 1021. Short title.

This subtitle may be cited as the "Fiscal Year 2020 Tax Revenue Anticipation Notes Emergency Act of 2020".

Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 1029 that may be issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a).

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

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

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

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 1027.

(11) "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.*)

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this subtitle.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 1029 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1023. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2020, it may be necessary for the District to borrow to a sum not to exceed $200,000,000, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed $200,000,000 is in the public interest.

Sec. 1024. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in one or more series, in a sum not to exceed $200,000,000, to finance its general governmental expenses, including operating or capital expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2020.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1025. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2020.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

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

Sec. 1026. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase

contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes.

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall

be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 1027. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 1029(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), for the period

August 15, 2020, until September 30, 2020, beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2020, through September 30, 2020, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(g) Before the 16th day of each month, beginning in August 2020, the Chief Financial Officer shall review the current monthly cash flow projections of the District, and if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement. Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83)).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of $1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

(1) An investment or obligation of the District as represented by the notes;

(2) An investment or obligation or program of investment; or

(3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other

arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1028. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1029. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home

Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the provisions of section 1027 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 1027(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 1027(g) applied immediately after the issuance.

Sec. 1030. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1031. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1032. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1033. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1034. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

TITLE XI. REVENUE BONDS

SUBTITLE A. STUDIO THEATER, INC.

Sec. 1101. Short title.

This subtitle may be cited as the "The Studio Theatre, Inc. Revenue Bonds Emergency Act of 2020".

Sec. 1102. Definitions.

For the purposes of this subtitle 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 subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 422(6)).

(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 subtitle.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which is liable for the repayment of the Bonds.

(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, 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), and 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) Renovating and expanding by approximately 2,780 gross square feet the Borrower's mixed-use theater complex located at 1501 14th Street, N.W., in Washington, D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of above grade improvements ("Theater Facility");

(B) Renovating certain residential facilities in Washington, D.C., owned by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179, Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W. (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W. (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, "Ancillary Facilities" and together with the Theater Facility, "Facilities");

(C) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facilities;

(D) Funding certain expenditures associated with the financing of the Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

(E) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1103. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act 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 (D.C. Official Code § 1-204.90)

and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $12,500,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facilities are 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 capital projects in the form of facilities used for the Borrower's operations and, in part, as a venue to produce contemporary theater and serve the community through artistic innovation, engagement, education and professional development (and property used in connection with or supplementing the foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(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 (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1104. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle 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 $12,500,000; 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. 1105. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(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 (D.C. Official Code § 1-206.02(a)(2)).

(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 (D.C. Official Code § 1-204.90(a)(4)).

(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. 1106. 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. 1107. 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. 1108. 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.

(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. 1109. 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 subtitle.

Sec. 1110. 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 (D.C. Official Code § 1-206.02(a)(2)).

(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 1107.

(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 subtitle, 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 subtitle.

(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 either perform any covenant, undertaking, or obligation under this subtitle, 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. 1111. District officials.

(a) Except as otherwise provided in section 1110(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 subtitle, 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. 1112. 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. 1113. 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. 1114. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, 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 enacting this subtitle 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. 1115. Expiration.

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

Sec. 1116. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle 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.

SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.

Sec. 1121. Short title.

This subtitle may be cited as the "DC Scholars Public Charter School, Inc. Revenue Bonds Emergency Act of 2020".

Sec. 1122. Definitions.

For the purpose of this subtitle, 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 subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(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 subtitle.

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars Public Charter School, Inc., a corporation organized under the laws of the District of Columbia,

and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 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.

(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) Financing the acquisition of a leasehold interest in an existing school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the "Facility"), which Facility will be operated by the Borrower;

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

(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 capitalized interest with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds; and

(E) Paying allowable Issuance Costs.

Sec. 1123. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act 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 (D.C. Official Code § 1-204.90), and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed $16,000,000, 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 (D.C. Official Code § 1-204.90).

(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 (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1124. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle 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 the aggregate principal amount not to exceed $16,000,000; 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. 1125. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(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 (D.C. Official Code § 1-206.02(a)(2)).

(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 (D.C. Official Code § 1-204.90(a)(4)).

(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. 1126. 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. 1127. 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. 1128. Financing and Closing Documents.

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

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

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

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

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

Sec. 1129. 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 subtitle.

Sec. 1130. 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 (D.C. Official Code § 1-206.02(a)(2)).

(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 1127.

(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 subtitle, 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 subtitle.

(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 subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in, or omission from, the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1131. District officials.

(a) Except as otherwise provided in section 1130(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 subtitle, 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. 1132. 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. 1133. 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. 1134. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, 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 enacting this subtitle 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. 1135. Expiration.

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

Sec. 1136. Severability.

If any particular provision of this subtitle, or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle 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.

SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.

Sec. 1141. Short title.

This subtitle may be cited as the "Washington Housing Conservancy/WHC Park Pleasant LLC Revenue Bonds Emergency Act of 2020".

Sec. 1142. Definitions.

For the purposes of this subtitle, 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 (D.C. Official Code § 1-204.22(6)).

(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, individually or collectively, Washington Housing Conservancy, a non-profit corporation organized under the laws of the District of Columbia, and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole member of which is the Washington Housing Conservancy, both of which are exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the repayment of the Bonds.

(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, 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), and 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) Acquiring and renovating real property, including a parcel of land comprising approximately 2.042 acres improved with approximately 69,910 square feet of residential rental property comprising 126 rental housing units and associated parking facilities

located in Washington, D.C., commonly known as Park Pleasant Apartments with street addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant Street, N.W., 3351 Mt. Pleasant Street, N.W., 3331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively, "Facility");

(B) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facility;

(C) Funding certain expenditures associated with the financing of the Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

(D) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1143. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act 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 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $28,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facility 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 housing, within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(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 (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1144. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle 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 $28,000,000; 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. 1145. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(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 (D.C. Official Code § 1-206.02(a)(2)).

(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 (D.C. Official Code § 1-204.90(a)(4)).

(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. 1146. 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. 1147. 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. 1148. 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.

(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. 1149. 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 subtitle.

Sec. 1150. 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 (D.C. Official Code § 1-206.02(a)(2)).

(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 1147.

(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 subtitle, 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 subtitle.

(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 either perform any covenant, undertaking, or obligation under this subtitle, 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. 1151. District officials.

(a) Except as otherwise provided in section 1150(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 subtitle, 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. 1152. 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. 1153. 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. 1154. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, 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 enacting this subtitle 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. 1155. Expiration.

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

Sec. 1156. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle 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.

SUBTITLE D. NATIONAL PUBLIC RADIO, INC.

Sec. 1161. Short title.

This subtitle may be cited as the "National Public Radio, Inc., Refunding Revenue Bonds Emergency Act of 2020".

Sec. 1162. Definitions.

For the purpose of this subtitle, 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 (D.C. Official Code § 1-204.22(6)).

(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 National Public Radio, Inc., a non-profit corporation organized and existing under the laws of the District of Columbia, and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 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.

(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, 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 (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of which were used to advance refund a portion of the District of Columbia Revenue Bonds (National Public Radio, Inc. Issue) Series 2010 (the "Series 2010 Bonds") and to pay Issuance Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office, production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C. 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

(B) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance Costs.

Sec. 1163. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act 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 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed $210,000,000 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 education and contributes to the health, education, safety, or welfare of residents of the District within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(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 (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1164. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle 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 the aggregate principal amount not to exceed $210,000,000; 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. 1165. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(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 (D.C. Official Code § 1-206.02(a)(2)).

(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 (D.C. Official Code § 1-204.90(a)(4)).

(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. 1166. 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. 1167. 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. 1168. 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.

(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 said executed Financing Documents and said 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. 1169. 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 subtitle.

Sec. 1170. 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 (D.C. Official Code § 1-206.02(a)(2)).

(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 1167.

(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 subtitle, 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 subtitle.

(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 subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1171. District officials.

(a) Except as otherwise provided in section 1170(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 subtitle, 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. 1172. 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. 1173. 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. 1174. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, 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 enacting this subtitle 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. 1175. Expiration.

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

Sec. 1176. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle 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.

SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.

Sec. 1181. Short title.

This subtitle may be cited as the "Public Welfare Foundation, Inc., Revenue Bonds Emergency Act of 2020".

Sec. 1182. Definitions.

For the purpose of this subtitle, 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 (D.C. Official Code § 1-204.22(6)).

(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 or refinanced with proceeds from the Bonds, which shall be Public Welfare Foundation, Inc., a non-profit corporation organized and existing under the laws of the State of Delaware, duly authorized to transact business as a foreign corporation in the District of Columbia, and exempt from federal income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 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, 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 to the Borrower of the proceeds from the sale, in one or more series, of the Bonds.

(12) "Project" means the financing, refinancing or reimbursing of the Borrower, on a tax exempt or taxable basis, for all or a portion of the Borrower's costs incurred in connection with the renovation of certain facilities of the Borrower located at 1200 U Street, N.W., Washington, D.C. (the "Building") in one or more phases and comprised of the following:

(A) Replacement of nearly all exterior windows of the Building and the repair of certain sheet metal and masonry;

(B) Soft costs, including architectural, engineering, and permitting fees, in connection therewith;

(C) Purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(D) Refinancing, in whole or in part, of existing indebtedness; and

(E) Certain expenditures associated therewith to the extent financeable, including, without limitation, Issuance Costs, credit costs, and working capital.

Sec. 1183. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act 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 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue and refunding bonds, in one or more series, in an aggregate principal amount not to exceed $13,000,000 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 a capital project as facilities used to house and equip operations related to the study, development, application, or production of social services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(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 (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1184. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle 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 $13,000,000; 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. 1185. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(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 (D.C. Official Code § 1-206.02(a)(2)).

(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 (D.C. Official Code § 1-204.90(a)(4)).

(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. 1186. 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. 1187. 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. 1188. 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.

(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 said executed Financing Documents and said 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. 1189. 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 subtitle.

Sec. 1190. 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 (D.C. Official Code § 1-206.02(a)(2)).

(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 1187.

(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 subtitle, 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 subtitle.

(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 subtitle, 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. 1191. District officials.

(a) Except as otherwise provided in section 1190(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 subtitle, 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. 1192. 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. 1193. 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. 1194. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, 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 enacting this subtitle 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. 1195. Expiration.

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

Sec. 1196. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle 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.

TITLE XII. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 1201. Repeals.

(a) The COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is repealed.

(b) The COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is repealed.

(c) The COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR 5050), is repealed.

(d) The Coronavirus Omnibus Emergency Amendment Act of 2020, effective May 13, 2020 (D.C. Act 23-317; 67 DCR __), is repealed.

(e) The Foreclosure Moratorium Emergency Amendment Act of 2020, passed on emergency basis on May 5, 2020 (Enrolled version of Bill 23-743), is repealed.

(f) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, passed on 2nd reading on April 21, 2020 (Enrolled version of Bill 23-734), is repealed.

Sec. 1202. Applicability.

Except as provided in section 402(i), Titles I through XI of this act shall apply as of March 11, 2020.

ENROLLED ORIGINAL

Sec. 1203. 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. 1204. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 27, 2020

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
B23-0771	Internationally Banned Chemical Weapon Prohibition Amendment Act of 2020 Intro. 06-04-2020 by Councilmembers Nadeau, R. White, Todd, Grosso, T. White, and Silverman and referred to the Committee on Judiciary and Public Safety
B23-0777	New Hospital at St. Elizabeths Act of 2020 Intro. 06-08-2020 by Chairman Mendelson and referred sequentially to the Committee on Health with comments from the Committee on Facilities and Procurement, and Committee on Business and Economic Development
B23-0778	New Howard University Hospital and Redevelopment Tax Abatement Act of 2020 Intro. 06-08-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

COUNCIL OF THE DISTRICT OF COLUMBIA

COMMITTEE ON HEALTH

VINCENT C.GREY, CHAIRMAN

NOTICE OF CANCELLATION OF PUBLIC HEARINGS

The following public hearings have been cancelled. The committee will reschedule the public hearings at a later date:

- Public hearing on Wednesday, June 10, 2020 at 10:00AM on B23-529, "Certificate of Stillbirth Amendment Act of 2019" and B23-543, "Suicide Prevention Continuing Education Amendment Act of 2019"

- Public hearing on Thursday, June 18, 2020 at 10:00AM on B23-534, "Lyme Disease Testing Information Disclosure Act of 2019" and B23-535, "Opioid Labeling Amendment Act of 2019"

For any questions or concerns, please contact Malcolm Cameron, Legislative Analyst, at (202) 727-7774.

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
COMMITTEE ON HEALTH
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

AND

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH

ANNOUNCE A JOINT PUBLIC HEARING ON

B23-0777, THE "NEW HOSPITAL AT ST. ELIZABETHS ACT OF 2020"

AND

B23-0778, THE "NEW HOWARD UNIVERSITY HOSPITAL AND REDEVELOPMENT TAX ABATEMENT ACT OF 2020"

Wednesday, July 1, 2020, 9:00 a.m.
Remote Hearing via WebEx
Broadcast live on DC Council Channel 13
Streamed live at www.dccouncil.us and entertainment.dc.gov.

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, and Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, announce a Joint Public Hearing on Bill 23-0777, the "New Hospital at St. Elizabeths Act of 2020" and Bill 23-0778, the "New Howard University Hospital and Redevelopment Tax Abatement Act of 2020". The hearing will be held on Wednesday, July 1, 2020, at 9:00 a.m., via Webex.

Bill 23-0777 approves a contract in excess of $1 million for the construction of a new hospital at St. Elizabeths; authorizes the Mayor to dispose of the hospital and the real property on which the hospital will be located; approves a multiyear contract and contract in excess of $1 million for the operation of the hospital; establishes a special fund as a startup reserve for the hospital; and establishes an uncompensated care requirement for the hospital. This legislation establishes the framework for approving the construction of the facilities that will create a comprehensive health care system.

Bill 23-0778 amends Chapter 46 of Title 47 of the District of Columbia Official Code to provide an abatement of real property taxes for property known for tax and assessment purposes as Lots 829, 830, and 831 in Square 3065, Lot 11 in Square 3074, Lot 807 in Square 3075, Lot 52 in Square 3072, and Lot 73 in Square 3080. The tax abatement is conditioned, in part, on Howard

University constructing a new, state-of-the-art, full-service, teaching and research hospital on or adjacent to the Georgia Avenue, N.W., campus of Howard University with a level 1 trauma center and an academic affiliation with the Howard College of Medicine and its graduate medical education program.

Persons wishing to provide oral testimony should contact Malcolm Cameron, Legislative Analyst of the Committee on Health by e-mail at mcameron@dccouncil.us or by phone at (202) 341-4425 by before 5:00 p.m. on Friday, June 26, 2020. You may also send an e-mail indicating that you wish to view the hearing in Webex, but that you do not intend to provide oral testimony. When sending an e-mail or leaving a voicemail, please provide Mr. Cameron with the following information:

- Your first and last name,
- The name of the organization you are representing (if any),
- Your title with the organization,
- Your e-mail address,
- Your phone number, and
- The bill or bills you will be speaking about.

Mr. Cameron will e-mail a confirmation of your attendance with an agenda, witness list, and attached instructions for accessing the Webex video conference hearing by 5:00 p.m. on Monday, June 29, 2020. If you do not receive a confirmation of your attendance, please contact Mr. Cameron by 12:00 p.m. on Tuesday, June 30, 2020. Oral testimony will be strictly limited to three minutes to allow everyone an opportunity to testify. Due to technological limitations during the COVID-19 pandemic, only the first nine hours of the hearing will be broadcasted, however, the Webex hearing will continue until all witnesses who have signed up have had an opportunity to testify.

Persons wishing to provide written testimony should e-mail their written testimony to Malcolm Cameron, Legislative Analyst of the Committee on Health at mcameron@dccouncil.us and D. Justin Roberts, Committee Director of the Committee on Business and Economic Development at jroberts@dccouncil.us before 12:00 p.m. on Thursday, July 2, 2020. Any testimony provided after this time will not be made part of the hearing record. Please indicate that you are submitting testimony for this hearing in the subject line of the e-mail. The Committees also welcome e-mails commenting on the proposed legislation, however, this correspondence is not included in the official Committee report if it is not labeled as testimony.

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

THE BOARD OF ELECTIONS' PERFORMANCE IN CONDUCTING THE JUNE 2, 2020 PRIMARY ELECTION

Friday, June 19, 2020, 10 a.m. – 4 p.m.
Virtual Hearing via Zoom

On Friday, June 19, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable to consider the Board of Elections' Performance in Conducting the June 2, 2020 Primary Election. The roundtable will be held virtually via Zoom from 10 a.m. to 4 p.m. Public witnesses will testify from 10 a.m. to noon, followed by government witnesses from noon to 4 p.m.

The Board of Elections ("the Board") is an independent District agency, overseen by a Chairperson and two other board members, and is responsible for administering elections in the District. Most recently, the Board administered the June 2, 2020 Primary Election, the operation of which was significantly affected by the unprecedented COVID-19 public health crisis. However, the Committee has heard from numerous District voters who were disenfranchised in the Primary Election due to the decision-making of Board leadership and cascading, unaddressed operational issues. Therefore, and in light of the upcoming November 3, 2020 General Election, the Committee is moving immediately to conduct this public oversight roundtable on the Board's performance.

As the Board prepared for the Primary Election, the Committee, other Councilmembers, and the Executive raised numerous concerns with Board leadership regarding mail-in balloting, communications, outreach, and decision-making, such as:

- Widespread and persistent technical difficulties with voters' ability to request mail-in ballots through every method the Board offered;
- Voters failing to receive mail-in ballots upon request;
- An inability for voters to track mail-in ballot receipt and processing using the Board's website tracking software;
- A dearth of coordinated, timely, and consistent public relations concerning mail-in balloting, relevant deadlines, and Vote Center operations; and

- A lack of planning and resources devoted to the enfranchisement of particularly vulnerable populations, such as incarcerated residents in the D.C. Jail.

These issues were not resolved by the Board prior to the Primary Election and led directly to hours-long lines at Vote Centers, an overwhelming number of voters not receiving their requested mail-in ballots, and ultimately, disenfranchisement.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, June 15**. The Committee will permit public witness testimony for the first two hours of the hearing, and testimony will be limited to no more than three minutes in order to maximize the number of witnesses heard. Witnesses should submit a copy of any written testimony electronically in advance to judiciary@dccouncil.us by the end of the business day on Wednesday, June 17.

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

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Friday, July 3.**

COUNCIL OF THE DISTRICT OF COLUMBIA

CONSIDERATION OF TEMPORARY LEGISLATION

B23-773, Connected Transportation Network Temporary Amendment Act of 2020, and **B23-775**, Comprehensive Policing and Justice Reform Temporary Amendment Act of 2020, were adopted on first reading on June 9, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 30, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
EXCEPTED SERVICE APPOINTMENTS AS OF MAY 31, 2020

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Hoskins, SaFiya	Legislative Assistant	4	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

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

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

Reprog. 23-106: Request to reprogram $20,000,000 of Fiscal Year 2020 local funds within DC Public Schools was filed in the Office of the Secretary on June 4, 2020. This reprogramming is needed to support Coolidge High School's Early College Academy program with Trinity University.

RECEIVED: 14-day review begins June 5, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 12, 2020
Protest Petition Deadline:	August 17, 2020
Roll Call Hearing Date:	August 31, 2020
Protest Hearing Date:	November 4, 2020

License No.:	ABRA-116875
Licensee:	Fifty Fourth Street Enterprises, LLC
Trade Name:	Chufly Imports
License Class:	Retailer's Class "A" Internet
Address:	1701 Florida Avenue, N.W.
Contact:	Tealye Long: (610) 737-8710

WARD 1 ANC 1C SMD 1C07

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 31, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **November 4, 2020 at 1:30 p.m.**

NATURE OF OPERATION

New Class "A" Internet Retailer selling beer, wine, and spirits online only for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 12, 2020
Protest Petition Deadline:	August 17, 2020
Roll Call Hearing Date:	August 31, 2020

License No.:	ABRA-116082
Licensee:	Iraklion, LLC
Trade Name:	Iraklion
License Class:	Retailer's Class "C" Nightclub
Address:	1412 I Street, N.W.
Contact:	Richard Bianco, Esq.: (202) 461-2400

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this licensee has requested to transfer the license to a new location with Substantial Changes under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 31, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGES

Applicant requests to transfer license from Safekeeping to a new location at 1412 I Street, N.W. The applicant also requests an increase in Total Occupancy Load. The maximum number of seats will be 675, with a Total Occupancy Load of 1,100, and a Summer Garden with 100 Seats. The license will include Nude Dancing and performances.

PROPOSED HOURS OF OPERATION INSIDE OF THE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN

Sunday through Thursday 8am – 3am, Friday and Saturday 8am – 4am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE OF THE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN

Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD ON AIR QUALITY ISSUES

Notice is hereby given that a public hearing will be held on Monday, July 13, 2020, at 5:30 p.m. The public hearing will be held using teleconferencing, which allows for both a video and voice over internet protocol (VOIP) connection - Weblink: https://dcnet.webex.com/dcnet/j.php?MTID=m9d989a84bae8e00fd77088d2ce1bb591, and phone line connection: Call-in Number: +1 (650) 479-3208, Access Code: 160 698 6356.

This public hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's State Implementation Plan (SIP), found at 40 C.F.R. Part 52, Subpart J. Specifically, this hearing will focus on technical corrections to the rail, marine, and nonpoint inventories that the District had previously proposed to submit as a SIP revision. These technical corrections were the result of review of the 2017 National Emissions Inventory, which was published by the United States Environmental Protection Agency (EPA) on May 8, 2020.

The EPA designated the District as a Marginal Nonattainment Area for the 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS) after promulgation of the revised standards established at 0.070 parts per million (ppm) effective on August 3, 2018 (83 Fed. Reg. 25776, June 4, 2018). To meet requirements of Clean Air Act § 172(c)(3) for marginal areas, the District must submit a base year emissions inventory to EPA no later than two years after designation (42 U.S. Code § 7511a(a)(1)). Once the District has completed its procedures, the inventory and supporting documents will be submitted to EPA as a SIP revision.

Copies of the proposed SIP revision are available for public review at https://www.mwcog.org/documents/2020/05/27/washington-dc-md-va-2015-ozone-naaqs-nonattainment-area-base-year-2017-emissions-inventory-updated-may-28-2020/.

Interested parties wishing to testify at this hearing must submit, in writing, their name, address, telephone number and affiliation to Air Quality Division (AQD), Department Of Energy and Environment at the address: 1200 First Street, NE, Fifth Floor, Washington, DC 20002, or email Mr. Joseph Jakuta at joseph.jakuta@dc.gov by 4:00 p.m. on July 13, 2020. Interested parties may also submit written comments to AQD's Monitoring and Assessment Branch at the same address or by email to Mr. Joseph Jakuta at joseph.jakuta@dc.gov. Questions can be directed to Mr. Joseph Jakuta at joseph.jakuta@dc.gov or by phone at 202-669-5817. No comments will be accepted after July 13, 2020.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF PUBLIC MEETING REGARDING
DISPOSITION RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public disposition hearing regarding 625 T Street, NW (Square 0440, Lot 0025) ("Property") to obtain community input on the proposed use of the Property. A summary of received comments and suggestions will be submitted to the Council of the District of Columbia pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

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

Date: **Monday, July 6, 2020**

Time: **6:30 p.m. – 7:00 p.m.**

Location: Online; See weblink below

https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e3b2086c8a0219facd7bbf5996bc794fc

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor's Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. However, all individuals are still required, if possible, to maintain a distance of at least six (6) feet from persons not in their household and large gatherings of more than ten (10) individuals continue to be prohibited in the District.

As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayors' Orders, in lieu of an in-person public meeting to obtain community input on the proposed disposition of the Property, pursuant to D.C. Official Code §10-801, the meeting will be held online, and community input should be submitted in writing by July 20, 2020. A summary of received comments and suggestions will be submitted to the Council pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

Please feel free to contact Richard Corley at 202-442-4463 or richard.corley@dc.gov should you have any questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email until July 20, 2020, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004
Attention: Richard Corley, Development Manager
Richard.Corley@dc.gov

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF PUBLIC MEETING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public surplus hearing regarding 625 T Street, NW (Square 0440, Lot 0025) ("Property") to obtain community input on the proposed use of the Property. A summary of received comments and suggestions will be submitted to the Council of the District of Columbia pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

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

Date: **Monday, July 6, 2020**

Time: **6:00 p.m. – 6:30 p.m.**

Location: Online; See weblink below

https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e3b2086c8a0219facd7bbf5996bc794fc

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor's Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. However, all individuals are still required, if possible, to maintain a distance of at least six (6) feet from persons not in their household and large gatherings of more than ten (10) individuals continue to be prohibited in the District.

As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayors' Orders, in lieu of an in-person public meeting to obtain community input on the proposed designation of the Property as surplus property, pursuant to D.C. Official Code §10-801, the meeting will be held online, and community input should be submitted in writing by July 20, 2020. A summary of received comments and suggestions will be submitted to the Council pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

Please feel free to contact Richard Corley at 202-442-4463 or richard.corley@dc.gov should you have any questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email until July 20, 2020, at:

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1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004
Attention: Richard Corley, Development Manager
Richard.Corley@dc.gov

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JUNE 17, 2020
Virtual Hearing via WebEx

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

TIME: 10:00 A.M.

WARD TWO

20178
ANC 2B

Application of Murat Kayali, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse requirements of Subtitles C § 1504.1 from the setback requirements of Subtitle C § 1502.1(a), C § 1502.1(b), and C § 1502.1(c)(1)(A), and pursuant to Subtitle X, Chapter 10, for a variance from the maximum lot occupancy requirements of Subtitle F § 604.1, to construct a rear deck addition and an accessory structure in the RA-8 Zone at premises 1738 Church Street N.W. (Square 156, Lot 313).

WARD SIX

20163
ANC 6C

Application of 719 SIXTH ST LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the rear addition requirements of Subtitle E § 205.4 and from the lot occupancy requirements of Subtitle E § 304.1, to construct a three-story rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 719 6th Street, N.E. (Square 859, Lot 121).

WARD SEVEN

20054
ANC 7C

Application of Rupsha 2011 LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provision of Subtitle U § 421.1 to construct a eight-unit apartment house in the RA-1 Zone at premises 616 50th Street, N.E. (Square 5180, Lot 814).

WARD ONE

20230
ANC 1A

Application of 3232 13TH ST NW LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 205.5 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle E § 303.3 from the height requirements of Subtitle E § 303.1, to construct a new attached three-story flat in the RF-1 Zone at premises 3230 13th Street N.W. (Square 2843, Lot 84).

WARD THREE

20231
ANC 3D

Application of Bernard Veuthey and Cora M. Shaw, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the side yard requirements of Subtitle D § 206.2, to replace the existing building with a two-story detached principal dwelling unit in the R-1-B Zone at premises 5022 Cathedral Avenue N.W. (Square 1439E, Lot 6).

WARD FOUR

20198
ANC 4C

Application of Mehmet Ogden, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF use requirements of Subtitle U § 320.2, to convert a one-family dwelling into a three-unit apartment house in the RF-1 Zone at premises 612 Randolph Street, N.W. (Square 3233, Lot 102).

WARD FOUR

20209
ANC 4B

Application of Uzoma Ogbuokiri, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, to construct a 3-story rear addition to an existing semi-detached principal dwelling unit in the R-2 Zone at premises 7521 9th Street, N.W. (Square 2961 , Lot 18).

WARD SIX

20240
ANC 6B

Application of Schmidt Development, LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential conversion regulations of Subtitle U § 320.2 with waivers from the rear addition requirements of Subtitle U § 320.2(e) and the rooftop architectural requirements of Subtitle U § 320.2(h), under U § 301.1(g) from the requirements of U § 301.1(c)(2), and under Subtitle E § 5201 from the accessory building lot occupancy provisions of Subtitle E § 5003.1, and pursuant to Subtitle X, Chapter 10, for an area variance from the accessory building access requirements of Subtitle U § 301.1(c)(4) to construct a third story and a rear addition to convert a single-family dwelling unit into two dwelling units and to expand an accessory building for a third residential unit in the RF-1 Zone at premises 1330 K Street S.E. (Square 1046, Lot 145).

WARD THREE

20233 ANC 3E	**Application of Erin Carroll**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 to construct a one-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 4810 48th Street N.W. (Square 1491, Lot 41).

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/ or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations..

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzasubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

Do you need assistance to participate?

Americans with Disabilities Act (ADA)

If you require an auxiliary aide or service in order to participate in the public hearing under Title II of the ADA, please contact Zelalem Hill at (202) 727-0312 or Zelalem.Hill@dc.gov. In order to ensure any requested accommodations can be secured by the scheduled hearing, please contact Ms. Hill as soon as possible in advance of that date.

Language Access

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

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

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

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

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

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

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING[1]

TIME AND PLACE: **Tuesday, July 28, 2020, @ 4:00 p.m.**
WebEx – Login Details will be Provided by Noon[2]

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NOS. 19-27 and 19-27A (Office of Planning – Proposed Text Amendments to Reorganize Subtitles C, D, E, F, G, H, K, & U of the Zoning Regulations)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning ("OP") filed two setdown reports that served as petitions proposing text amendments to Title 11 of the DCMR (Zoning Regulations of 2016, the "Zoning Regulations," to which all references are made unless otherwise specified) that would reorganize:

- Subtitle C (General Rules);
- Subtitle D (Residential House (R) Zones);
- Subtitle E (Residential Flat (RF) Zones);
- Subtitle F (Residential Apartment (RA) Zones);
- Subtitle G (Mixed Use (MU) Zones);
- Subtitle H (Neighborhood Mixed-Use (NC) Zones);
- Subtitle K (Special Purpose Zones); and
- Subtitle U (Use Permissions)

OP's petition in Z.C. Case No. 19-27, filed on November 8, 2019, proposed a text amendment to:

- Apply the zone name changes proposed in Z.C. Case No. 18-16 and reorganize the structure of:
  - Subtitle D (Residential House (R) Zones);
  - Subtitle E (Residential Flat (RF) Zones); and
  - Subtitle F (Residential Apartment (RA) Zones).

OP submitted a December 5, 2019, supplemental report requesting to expand the proposed text amendment in Z.C. Case No. 19-27 to include the:

- Reorganization of Chapter 7 (Reed-Cooke) of Subtitle K (Special Purpose Zones) by moving the provisions applying to the RA zones to Subtitle F (Residential Apartment Zones) as a new Chapter 6 (Reed-Cooke Residential Apartment Zone).

OP's petitions did not propose any substantive changes.

OP's petition in Z.C. Case No. 19-27A, filed on April 17, 2020, proposed a text amendment to:

- Apply the zone name changes proposed in Z.C. Case No. 18-16 and reorganize the structure of:

[1] Due to the Covid-19 pandemic, the Commission will conduct this hearing virtually using WebEx.

[2] Anyone who wishes to participate in this case but cannot do so via WebEx or by phone may submit written comments to the record. (See p. 3, *How to participate as a witness – written statements*.)

  - Subtitle G (Mixed-Use (MU) Zones); and
  - Subtitle H (Neighborhood Mixed-Use (NC) Zones);
- Reorganize Chapter 16 (Public Recreation or Library Buildings or Structures) of Subtitle C (General Rules) by moving its provisions to Subtitles D, E, F, G and H as appropriate and deleting Chapter 16; and
- Reorganize Chapter 7 (Reed-Cooke) of Subtitle K (Special Purpose Zones) by moving the provisions applying to MU zones and Use Permissions (and deleting Chapter 7) to:
  - Subtitle G (Mixed Used (MU) Zones) as a new Chapter 8 (Reed-Cooke Mixed-use Zones); and
  - Subtitle U (Use Permissions) as a new subsection 514.2.

OP's petition did not propose any substantive changes.

Reorganization

The proposed reorganization of the Zoning Regulations will result in the following specific benefits:

- Reduce duplication of development standards by locating primary development standards within a single base zone chapter that would apply unless modified by changes in specific zone chapters;
- Clarify the relationship between zones, especially zones with the same base zone (i.e. all the MU-4 share the same primary standards);
- Clarify the relationship between the geographically defined or modified zones, especially as seen on a zoning map (i.e. all the Capitol Interest (CAP) zones will be easily identified); and
- Simplify the amendment process and reduce potential errors because most amendments would only need to be made to the base zone.

OP's proposed reorganization does not include substantive changes to the current Zoning Regulations.

The Commission voted at its November 18, 2019 public meeting to grant OP's request to set down the proposed text amendments in Z.C. Case No. 19-27 for a public hearing.

The Commission voted at its December 9, 2019, public meeting to grant OP's supplemental request to move the RA zone provisions of the Reed-Cooke zones to Subtitle F, and also requested that for clarity OP include a "clean" version of the proposed text amendments in the record in addition to the blackline version showing the proposed text amendments as edits to the current text.

The Commission voted at its April 27, 2020 public meeting to grant OP's request to set down the proposed text amendment in Z.C. Case No. 19-27A for a public hearing as part of the public hearing for Z.C. Case No. 19-27. The Commission also authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The OP setdown reports also served as the pre-hearing reports required by Subtitle Z §§ 500.6 and 504.

The proposed text amendments would apply city-wide.

The complete record in these cases, including the OP setdown reports and the transcripts of the public meetings 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 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.)).

Blackline and Clean Versions of Proposed Text
In addition to the blackline text that follows, a "clean" version of the proposed final text (without the edits to the current text) is also available for viewing through IZIS in the record for Z.C. Case Nos. 19-27 (Subtitles D, E, and F) and 19-27A (Subtitles C, G, H, K, and U)

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

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

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

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

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

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

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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.

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

(ZC Case No. 19-27 Subtitle D)

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 D, RESIDENTIAL HOUSE (R) ZONES

Chapter 1, INTRODUCTION, is proposed to be amended to read as follows:

100 GENERAL PROVISIONS

100.1 **~~The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses.~~**
Subtitle D is to be read and applied in addition to the regulations included in:

(a) Subtitle A, Authority and Applicability;

(b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;

(c) Subtitle C, General Rules; and

(d) Subtitle U, Use Permissions.

~~100.2 In addition to the purpose statements of individual chapters, the provisions of the R zones are intended to:~~
~~(a) Provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development;~~
~~(b) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;~~
~~(c) Allow for limited compatible accessory and non-residential uses;~~
~~(d) Allow for the matter-of-right development of existing lots of record;~~
~~(e) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and~~
~~(f) Discourage multiple dwelling unit development.~~

~~100.3~~ 100.2 For those zones with **a** geographic **~~identification~~ identifier**, the **zone** boundaries are **~~cited~~ described** in Subtitle W**, Specific Zone Boundaries,** and identified on the official Zoning Map. **~~When there is a conflict between the official Zoning~~**

~~Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.~~

101 ~~DEVELOPMENT STANDARDS~~ PURPOSE AND INTENT

101.1 ~~The bulk of structures in the R zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~ The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses.

101.2 ~~The development standards are intended to:~~

~~(a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~

~~(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~

~~(c) Regulate the mixture of uses; and~~

~~(d) Promote the environmental performance of development.~~

The R zones are intended to:

(a) Provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development;

(b) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;

(c) Allow for limited compatible accessory and non-residential uses;

(d) Allow for the matter-of-right development of existing lots of record;

(e) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and

(f) Discourage multiple dwelling unit development.

101.3 ~~Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X. Additional zone specific special exception criterion,~~

~~if applicable, shall be considered by the Board and are referenced in~~ this ~~subtitle.~~ **The purposes of the R-1A and R-1B zones are to:**

(a) Protect quiet residential areas now developed with detached houses and adjoining vacant areas likely to be developed for those purposes; and

(b) Stabilize the residential areas and promote a suitable environment for family life.

101.4 ~~In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.~~
The R-1A zone is intended to provide for areas predominantly developed with detached houses on large lots.

101.5 The R-1B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.

101.6 The purpose of the R-2 zone is to:

(a) Provide for areas with semi-detached houses; and

(b) Protect these areas from invasion by denser types of residential development.

101.7 The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses.

101.8 The purpose of the R-3 zone is to allow for row houses, while including areas within which row houses are mingled with detached houses, semi-detached houses, and groups of three (3) or more row houses.

101.9 The R-3 zone is intended to permit attached row houses on small lots.

~~**102 USE PERMISIONS**~~
~~**102.1 Use permissions for the R zones are as specified in Subtitle U.**~~

~~**103 PARKING**~~
~~**103.1 Parking requirements for the R zones are as specified in Subtitle C.**~~

~~**104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES**~~

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

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

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

~~105 INCLUSIONARY ZONING~~

~~105.1 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards, shall apply to the R-2, R-3 (except for the portion in the Anacostia Historic District), R-10, R-13, R-17, and R-20 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone specific development standards of this subtitle.~~

~~106 ANTENNAS~~

~~106.1 Antennas shall be subject to the regulations of Subtitle C, Chapter 13.~~

The title of Chapter 2, GENERAL DEVELOPMENT STANDARDS, is amended to read as follows:

Chapter 2 ~~GENERAL~~ DEVELOPMENT **STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES**

Chapter 2, DEVELOPMENT STANDARDS FOR RESIDENTIAL HOUSE (R) ZONES, is amended to read as follows:

200 ~~GENERAL PROVISIONS~~ DEVELOPMENT STANDARDS

200.1 ~~The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.~~
The development standards of this chapter apply to all Residential House (R) zones except as modified by a specific zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standards shall still apply.

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply.~~
The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:

(a) Height and number of stories;

(b) Density and lot occupancy;

(c) Yards and setbacks; and

(d) Environmental performance.

200.3 A principal building on a lot in an R-1 zone shall be a detached building.

200.4 A principal building on a lot in an R-2 zone shall be a detached building or a semi-detached building.

200.5 A principal building on a lot in an R-3 zone shall be a detached building, a semi-detached building, or a row building.

200.6 ~~Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X.~~ If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~criterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.

200.7 The Inclusionary Zoning (IZ) requirements and the available IZ modifications to certain development standards, shall apply to the R-2 and R-3 zones (except for that portion of the R-3 zones in the Anacostia Historic District), as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.

201 ~~MAXIMUM NUMBER OF DWELLING UNITS~~ DENSITY

201.1 In all R zones, one (1) principal dwelling unit **~~per lot of record~~ and one (1) accessory apartment** shall be permitted **~~as a matter-of-right~~ per lot of record, subject to Subtitle U, Use Permissions.**

201.2 **~~In all R zones, one (1) accessory apartment shall be permitted per lot of record subject to the use permissions specified in Subtitle U.~~**
A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.) unless approved by the Board of Zoning Adjustment as a special exception pursuant to ~~the provisions of Subtitle X, Chapter 9~~ Subtitle D § 212.2. [FROM C-1604.1]

201.3 **~~The minimum lot width and minimum lot area requirements for the creation of a new lot of record in the R zones are set forth in each zone.~~**

Public recreation and community centers shall be permitted a maximum floor area ratio as follows:

(a) In the R-1A, R-1B, and R-2 zones, the maximum permitted floor area ratio for a public recreation and community center shall be 0.9; and

(b) In the R-3 zone, the maximum permitted floor area ratio for a public recreation and community center shall be 1.8. [FROM C-1604.2]

201.4 ~~A public recreation and community center may exceed 0.9 FAR in those zones where it is so limited, up to a maximum of 1.8 FAR, if approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9~~ Relief from the FAR limits of Subtitle D § 201.3 may authorized if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle D § 212.2. [FROM C-1604.3]

~~202 LOT OCCUPANCY~~ [TO D-210]

202 LOT DIMENSIONS [FROM D-301]

202.1 Except as provided elsewhere in this title, the minimum required lot width and lot area for the creation of a new lot of record shall be as set forth in the following table:

TABLE D § 202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-1A	All Structures	75	7,500
R-1B	All Structures	50	5,000
R-2	Semi-detached	30	3,000
	All Other Structures	40	4,000
R-3	Semi-detached	30	3,000
	Row	20	2,000
	All Other Structures	40	4,000

202.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the R-1A and R-1B zones, or to that portion of the Anacostia Historic District within the R-3 zone.

202.3 Except as provided in Subtitle D § 202.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE D § 202.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Detached	40	3,200
	Semi-detached	30	2,500
R-3	All Structures	20	1,600

202.4 The minimum lot width for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle X, Chapter 9, by the Board of Zoning Adjustment:

TABLE D § 202.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS

Zone	Type of Structure	Minimum Lot Width (ft.)
R-2	Detached	32
	Semi-detached	25
R-3	All Structures	16

202.5 Voluntary Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones shall require special exception relief pursuant to Subtitle X, Chapter 9 to utilize the following IZ modifications, authorized by Subtitle C § 1002.2:

TABLE D § 202.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	Detached	32	3,200
	Semi-detached	25	2,500
R-3	All Structures	16	1,600

~~**203 COURT** [TO D-209]~~

~~207~~ 203 HEIGHT

~~207.1~~ 203.1 ~~Except in the R-11, R-12 and R-13 Naval Observatory Residential zones, and except as provided in Subtitle D § 207.9, the maximum height of buildings or structures specified in each R zone may be exceeded as provided in this section.~~ Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, and the maximum number of stories shall be as set forth in this section.

~~207.2 A spire, tower, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.~~

~~207.3 A chimney or smokestack may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located when required by other municipal law or regulation.~~

203.2 The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle D §§ 203.3 through 203.6, shall be as set forth in the following table:

TABLE D § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Maximum Height, Not Including Penthouse (ft.)	Maximum Number of Stories
R-1A	40	3
R-1B	40	3
R-2	40	3
R-3	40	3

[FROM D-303.1]

~~207.5~~ 203.3 A place of worship may be erected to a height not exceeding sixty feet (60 ft.)~~; provided, that it shall not exceed the number of stories permitted in the district in which it is located~~ and three (3) stories.

~~207.7~~ 203.4 A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.).

~~207.4~~ 203.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

~~207.6~~ 203.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one

foot (1 ft.) of height in excess of that authorized in the district in which it is located.

~~**207.8 Where required by the Height Act, a height in excess of that permitted shall be authorized by the Mayor.**~~

~~**204 PENTHOUSES**~~ [TO D-209]

~~**208**~~ **204 ROOFTOP OR UPPER FLOOR ELEMENTS**[3]

~~**205 REAR YARD**~~ [TO D-207]

~~**204**~~ **205 PENTHOUSES**[4]

~~**204.1**~~ **205.1** ~~**Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.**~~
A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

205.2 A mechanical penthouse with a maximum height of eighteen feet, six inches (18 ft. 6 in.) shall be permitted on a building constructed pursuant to Subtitle D § 203.3 through 203.6.

205.3 ~~**The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4 shall be twelve feet (12 ft.) and one (1) story.**~~
For all other buildings and uses, the maximum permitted height of a penthouse shall be twelve feet (12 ft.) and one (1) story. [FROM D-303.2]

~~**206 SIDE YARD**~~ [TO D-208]

206 FRONT SETBACK [FROM D-305]

206.1 Except as provided elsewhere in this title, the front setback shall be as set forth in this section.

206.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-1 through R-3 zone on the same side of the street in the block where the building is proposed. [FROM D-305.1]

~~**207 HEIGHT**~~ [TO D-203]

[3] A new Section 208, ROOFTOP OR UPPER FLOOR ADDITIONS, is the subject of a proposed text amendment in Z.C. Case. No. 19-21.
[4] Current Section 204, PENTHOUSES. is the subject of a proposed text amendment in Z.C. Case. No. 14-13E.

~~205~~ 207 REAR YARD

~~205.1 A rear yard shall be provided for each structure located in an R zone, the minimum depth of which shall be as set forth in each zone chapter.~~

207.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in the following table:

TABLE D § 207.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard (ft.)
R-1A	25
R-1B	25
R-2	20
R-3	20

[FROM D-306.1 AND 306.2]

~~205.2~~ 207.2 In the case of a lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

~~205.3~~ 207.3 In the case of a lot proposed to be used by a public recreation and community center or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.

207.4 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

207.5 Notwithstanding Subtitle D §§ 207.1 through 207.4, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property. [FROM D-306.3]

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

~~206~~ 208 SIDE YARD

~~206.1~~ 208.1 ~~Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard shall be as set forth in this section.~~
Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

~~206.2~~ 208.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.

~~206.3~~ 208.3 One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.

~~206.4~~ 208.4 One (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3 zone.

~~206.5~~ 208.5 No side yards are required for row buildings. An existing detached or semi-detached building may not be treated as a row building through construction or additions.

~~206.6~~ 208.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.

~~206.7~~ 208.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).

208.8 In the case of a lot proposed to be used by a public library or public recreation and community center that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, no side yard shall be required. [FROM C-1607.1]

~~203~~ 209 COURT

~~203.1~~ 209.1 Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

TABLE D § 209.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
~~Single Dwelling Unit~~ Single Household Dwellings	Not applicable	Not applicable	Not applicable

All Other Structures	2.5 inches per 1 ft. of height of court, but not less than 6 ft.	2.5 inches per foot of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 ft.

~~202~~ 210 LOT OCCUPANCY

~~202.1~~ 210.1 ~~[DELETED]~~

Except as provided ~~elsewhere in this title~~ in Subtitle D § 212.2, the maximum permitted lot occupancy shall be as set forth in the following table:

TABLE D § 210.1: MAXIMUM LOT OCCUPANCY

Zone	Type of Structure	Lot Occupancy (%)
R-1A R-1B R-2	Public Recreation and Community Center	20
	Places of Worship	60
	All Other Structures	40
R-3	Single Household Row	60
	Public Recreation and Community Center	20
	Places of Worship	60
	All Other Structures	40

~~202.2~~ ~~210.2~~ ~~[Repealed]~~

~~**A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, provided the applicant shows that the increase is consistent with agency policy of preserving open space .**~~

211 PERVIOUS SURFACE

211.1 Except as provided elsewhere in this title, the minimum required percentage of pervious surface of a lot shall be as set forth in the following table:

TABLE D § 211.1: MINIMUM PERCENTAGE OF PERVIOUS SURFACE

Zone	Type of Structure	Percentage of Pervious Surface (%)
R-1A R-1B	Public Recreation and Community Center	30
	All Other Structures	50
R-2	All Structures	30
R-3	Public Recreation and Community Center	30
	All Other Structures	20

212 SPECIAL EXCEPTION

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

212.2 ~~Exceptions to~~ Relief from the development standards of this ~~subtitle~~ chapter for public recreation and community centers~~, other than lot occupancy and density, shall~~ may be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9~~. Exceptions from lot occupancy are limited to the criterion of Subtitle D § 210.2 and exceptions from density are limited to the criteria of Subtitle D §§ 201.2 and 201.4.~~, subject to the following conditions:

(a) Relief from the FAR limits of Subtitle D § 201.4 to allow a maximum of 1.8 FAR in zones with a lower maximum FAR; and

(b) Relief from the lot occupancy limitations of Subtitle D § 210.1 to allow a maximum 40% lot occupancy is permitted provided the applicant shows that the increase is consistent with agency policy of preserving open space.

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, and R-3, is proposed to be deleted in its entirety.

~~Chapter 3 RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, and R-3~~

~~300 PURPOSE AND INTENT~~

~~300.1 The purposes of the R-1-A and R-1-B zones are to:~~

~~(a) Protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and~~

~~(b) Stabilize the residential areas and promote a suitable environment for family life.~~

~~300.2 The R-1-A zone is intended to provide for areas predominantly developed with detached houses on large lots.~~

~~300.3 The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.~~

~~300.4 The purpose of the R-2 zone is to:~~

~~(a) Provide for areas with semi-detached dwellings; and~~

~~(b) Protect these areas from invasion by denser types of residential development.~~

~~300.5 The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.~~

300.6 The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings.

300.7 The R-3 zone is intended to permit attached rowhouses on small lots.

301 DEVELOPMENT STANDARDS

301.1 The development standards in Subtitle D §§ 302 through 308 modify the general development standards in Subtitle D, Chapter 2.

302 DENSITY – LOT DIMENSIONS

302.1 Except as provided in other provisions of this title, the minimum dimensions of lots in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:

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

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

302.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the R-1-A and R-1-B zones, or to that portion of the Anacostia Historic District within the R-3 zone.

302.3 Except as provided in Subtitle D § 302.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2

TABLE D § 302.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-2	40 (detached) 30 (semi-detached)	3,200 (detached) 2,500 (semi-detached)
R-3	20	1,600

~~302.4 The minimum lot width for Mandatory Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~TABLE D § 302.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~
~~R-2~~	~~32 (detached)~~ ~~25 (semi-detached)~~
~~R-3~~	~~16~~

~~302.5 Voluntary Inclusionary Developments in the R-2 and R-3 (other than that portion in the Anacostia Historic District) zones shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications, authorized by Subtitle C § 1002.2:~~

~~TABLE D § 302.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-2~~	~~32 (detached)~~ ~~25 (semi-detached)~~	~~3,200 (detached)~~ ~~2,500 (semi-detached)~~
~~R-3~~	~~16~~	~~1,600~~

~~303 HEIGHT~~

~~303.1 The maximum permitted building height, not including the penthouse, in the R-1-A, R-1-B, R-2, and R-3 zones shall not exceed forty feet (40 ft.) and the number of stories shall not exceed three (3) stories.~~

~~303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~304 LOT OCCUPANCY~~

~~304.1 The maximum permitted lot occupancy in the R-1-A, R-1-B, R-2, and R-3 zones shall be as set forth in the following table:~~

~~TABLE D § 304.1: MAXIMUM LOT OCCUPANCY~~

~~Zone~~	~~Structure~~	~~Maximum Percentage of Lot Occupancy~~
~~R-1-A~~	~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~40%~~

~~R-1-B~~	~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~40%~~
~~R-2~~	~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~40%~~
~~R-3~~	~~Attached Row Dwellings~~ ~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~60%~~ ~~40%~~

~~304.2 [REPEALED]~~

~~305 FRONT SETBACK~~

~~305.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-1 through R-3 zone on the same side of the street in the block where the building is proposed.~~

~~306 REAR YARD~~

~~306.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-1-A and R-1-B zones.~~

~~306.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-2 and R-3 zones.~~

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

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

~~307 [DELETED]~~

~~308 PERVIOUS SURFACE~~

~~308.1 The minimum required percentage of pervious surface of a lot in the R-1-A or R-1-B zones shall be fifty percent (50%).~~

~~308.2 The minimum required percentage of pervious surface of a lot in the R-2 zone shall be thirty percent (30%).~~

~~308.3 The minimum required percentage of pervious surface of a lot in the R-3 zone shall be twenty percent (20%).~~

~~309 [DELETED]~~

~~310 USE PERMISSIONS~~

~~310.1 Use permissions for the R-1-A and R-1-B zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~310.2 Use permissions for the R-2 zones are as specified for Use Group B in Subtitle U, Chapter 2.~~

~~310.3 Use permissions for the R-3 zones are as specified for Use Group C in Subtitle U, Chapter 2.~~

The title of CHAPTER 4, TREE AND SLOPE PROTECTTION RESIDENTIAL HOUSE ZONES - R-6 AND R-7, is proposed to be amended, and renumbered as CHAPTER 3, to read as follows:

Chapter **4 3** TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – ~~r-6 and r-7~~ **R-1A/TS and R-1B/TS**

CHAPTER 3, TREE AND SLOPE PROTECTTION RESIDENTIAL HOUSE ZONES - R-1A/TS AND R-1B/TS, is proposed to be amended to read as follows:

~~400~~ 300 PURPOSE AND INTENT

~~400.1~~ **300.1** ~~The purposes of the Tree and Slope Protection Residential House (R-6 and R-7) zones are to:~~

~~(a) Preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces;~~

~~(b) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;~~

~~(c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and~~

~~(d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-1A/TS and R-1B/TS zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~400.2~~ **300.2** ~~The R-6 and R-7 zones shall be mapped in residential neighborhoods that are located at the edge of stream beds or public open spaces and that have a significant quantity of steep slopes, stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal. It is not suitable for mapping in neighborhoods where nearly all lots are already developed on a rectangular grid system and the existing mature trees are either yard trees or street trees.~~

In addition to the purposes of the R-1 zones, the purposes of the Tree and Slope Protection Residential House (R-1A/TS and R-1B/TS) zones are to:

(a) Preserve and enhance the park-like setting of designated neighborhoods adjacent to streams or parks by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces;

(b) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;

(c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and

(d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.

~~**400.3**~~ **300.3** ~~**The R-6 zone is intended to permit detached houses on large lots and to protect quiet residential areas developed with detached dwellings.**~~
The R-1A/TS and R-1B/TS zones shall be mapped in residential neighborhoods that are located at the edge of stream beds or public open spaces and that have a significant quantity of steep slopes, stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal. It is not suitable for mapping in neighborhoods where nearly all lots are already developed on a rectangular grid system and the existing mature trees are either yard trees or street trees.

~~**400.4 The R-7 zone is intended to permit detached houses on moderately sized lots.**~~

~~**401**~~ **301** ~~**DEVELOPMENT STANDARDS**~~ **TREE PROTECTION**

~~**400.1**~~ **301.1** ~~**The development standards in Subtitle D §§ 402 through 409 modify the general development standards in Subtitle D, Chapter 2.**~~
The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-1A/TS and R-1B/TS zones.

~~**402**~~ **302** ~~**DENSITY-LOT DIMENSIONS**~~ **LOT OCCUPANCY**

~~**402.1**~~ **302.1** ~~**Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-6 and R-7 zones shall be as set forth in the following table:**~~

~~**TABLE D § 402.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS**~~

~~Zone~~	~~Min. Lot Width (ft.)~~	~~Min. Lot Area (sq. ft.)~~
~~R-6~~	~~75~~	~~7,500~~
~~R-7~~	~~50~~	~~5,000~~

The maximum permitted lot occupancy for all structures in the R-1A/TS and R-1B/TS zones shall be thirty percent (30%), except for public recreation and community centers.

~~402.2~~ **302.2** ~~The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-6 and R-7 zones.~~
The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~403 HEIGHT~~

~~403.1 The maximum permitted building height, not including the penthouse, in the R-6 and R-7 zones shall be forty feet (40 ft.) and three (3) stories.~~

~~403.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 403.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~403.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~404 LOT OCCUPANCY~~

~~404.1 The maximum permitted lot occupancy in the R-6 and R-7 zones shall be as set forth in the following table:~~

~~TABLE D § 404.1: MAXIMUM LOT OCCUPANCY~~

~~Zone~~	~~Structure~~	~~Maximum Percentage of Lot Occupancy~~
~~R-6~~	~~All Structures~~	~~30%~~
~~R-7~~	~~All Structures~~	~~30%~~

~~405 FRONT SETBACK~~

~~405.1 A front setback shall be provided within the range of existing front setbacks of all structures within the R-6 and R-7 zones, on the same side of the street in the block where the building is proposed.~~

~~406 REAR YARD~~

~~406.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-6 and R-7 zones.~~
~~406.2 [REPEALED]~~
~~406.3 [REPEALED]~~

~~407 [DELETED]~~

~~408 PERVIOUS SURFACE~~
~~408.1 The minimum percentage of pervious surface requirement of a lot in an R-6 or R-7 zone shall be fifty percent (50%).~~

~~409 TREE PROTECTION~~
~~409.1 The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-6 and R-7 zones.~~

~~410 [REPEALED]~~

~~411 USE PERMISSIONS~~
~~411.1 Use permissions for the R-6 and R-7 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

The title of CHAPTER 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-8, R-9 AND R-10, is proposed to be amended and renumbered as CHAPTER 4, to read as follows:

Chapter ~~5~~ 4 FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – ~~r-8, R-9, and R-10~~ R-1A/FH, R-1B/FH, R-2/FH

CHAPTER 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-1A/FH, R-1B/FH, AND R-2/FH, is proposed to be amended to read as follows:

~~500~~ 400 **PURPOSE AND INTENT**

~~500.1~~ 400.1 ~~The purposes of the Forest Hills Tree and Slope Protection Residential House zones (R-8, R-9, and R-10) are to:~~

~~(a) Preserve and enhance the park-like setting of designated neighborhoods bounded by Connecticut Avenue and Thirty-Second Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, N.W. on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park;~~

~~(b) Preserve the natural topography and mature trees to the maximum extent feasible in the Forest Hills neighborhoods;~~

~~(c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and~~

~~(d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-1A/FH, R-1B/FH, and R-2/FH zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~500.2~~ **400.2** ~~The Forest Hills Tree and Slope Protection zones have a significant quantity of steep slopes, stands of mature trees, are located at the edge of stream beds and public open spaces, and have undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system.~~

In addition to the purposes of the R-1 and R-2 zones, the purposes of the Forest Hills Tree and Slope Protection Residential House (R-1A/FH, R-1B/FH, and R-2/FH) zones are to:

(a) Preserve and enhance the park-like setting of designated neighborhoods bounded by Connecticut Avenue and Thirty-Second Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, N.W. on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park;

(b) Preserve the natural topography and mature trees to the maximum extent feasible in the Forest Hills neighborhoods;

(c) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and

(d) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood.

~~500.3~~ **400.3** ~~The R-8 zone is intended to permit detached houses on large lots.~~

The R-1A/FH, R-1B/FH, and R-2/FH zones have a significant quantity of steep slopes, stands of mature trees, are located at the edge of stream beds and public open spaces, and have undeveloped lots and parcels subject to potential terrain

alteration and tree removal. Few lots are developed on a rectangular grid system.

~~500.4 The R-9 zone is intended to permit detached houses on moderately sized lots.~~
~~500.5 The R-10 zone is intended to:~~
~~(a) Permit semi-detached houses on moderately sized lots, and allow for areas of detached dwellings;~~
~~(b) Retain the single dwelling unit nature of these areas; and~~
~~(c) Prohibit denser types of residential development.~~

~~501~~ 401 ~~DEVELOPMENT STANDARDS~~ TREE PROTECTION

~~501.1~~ 401.1 ~~The development standards in Subtitle D §§ 602 through 609 modify the general development standards in Subtitle D, Chapter 2.~~
The tree protection regulations of Subtitle C, Chapter 4 shall only apply to those lots in the R-1A/FH zone in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282.

401.2 To the extent that any person seeks permission for building or terrain alteration on a lot with a slope steeper than twenty-five percent (25%) or with "highly erodible land" as defined at 7 C.F.R. § 12.2 (2005), a professional certification that the plans for alteration and/or construction will follow best geo-technical, structural engineering, and arboreal practices shall be supplied with the building permit application.

~~502~~ 402 ~~DENSITY~~ LOT DIMENSIONS

~~502.1~~ 402.1 ~~Except as provided in other provisions of this title, the minimum dimensions of lots in the R-8, R-9, and R-10 zones shall be as set forth in the following table:~~

~~TABLE D § 502.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-8~~	~~75~~	~~9,500 for lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282~~ ~~7,500 for all other lots~~
~~R-9~~	~~50~~	~~5,000~~
~~R-10~~	~~30 (semi-detached)~~ ~~40 (all other structures)~~	~~3,000 (semi-detached)~~ ~~4,000 (all other structures)~~

The minimum required lot width and lot area for the creation of a new lot of record in the R-1A/FH zone shall be as set forth in the following table:

TABLE D § 402.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-1A/FH	All Structures	75	9,500 for lots in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282
			7,500 for all other lots

~~502.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-8 and R-9 zones.~~

~~502.3 Except as provided in Subtitle D § 502.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-10 zone, shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 502.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-10~~	~~40 (detached)~~ ~~30 (semi-detached)~~	~~3,200 (detached)~~ ~~2,500 (semi-detached)~~

~~502.4 The minimum lot width for Mandatory Inclusionary Developments in the R-10 zone may be reduced to no less than as set forth in the following table if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~TABLE D § 502.4: MINIMUM LOT WIDTH BY SPECIAL EXCEPTION FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~
~~R-10~~	~~32 (detached)~~ ~~25 (semi-detached)~~

~~502.5 Voluntary Inclusionary Developments in the R-10 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 502.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-10~~	~~32 (detached)~~ ~~25 (semi-detached)~~	~~3,200 (detached)~~ ~~2,500 (semi-detached)~~

~~503~~ 403 ~~HEIGHT~~ SIDE YARD

~~503.1~~ **403.1** ~~The maximum permitted building height, not including the penthouse, in the R-8, R-9, and R-10 zones shall be forty feet (40 ft.) and three (3) stories.~~
The minimum side yard requirement for all buildings, accessory buildings, or additions to buildings in the R-1A/FH, R-1B/FH, and R-2/FH zones shall be twenty-four feet (24 ft.) in the aggregate, with no single side yard having a width of less than eight feet (8 ft.).

~~503.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~503.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~504~~ **404** **LOT OCCUPANCY**

~~504.1~~ **404.1** ~~The maximum permitted lot occupancy in the R-8, R-9, and R-10 zones shall be as set forth in the following table:~~

~~TABLE D § 504.1: MAXIMUM LOT OCCUPANCY~~

~~Zone~~	~~Structure~~	~~Maximum Percentage of Lot Occupancy~~
~~R-8~~	~~All Structures~~	~~30%~~
~~R-9~~	~~All Structures~~	~~30%~~
~~R-10~~	~~All Structures~~	~~30%~~

The maximum permitted lot occupancy for all structures in the R-1A/FH, R-1B/FH, and R-2/FH zones shall be thirty percent (30%), except for public recreation and community centers.

404.2 The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~505~~ **405** ~~FRONT SETBACK~~ **PERVIOUS SURFACE**

~~504.1~~ **405.1** ~~A front setback shall be provided within the range of existing front setbacks of all residential buildings within the R-8 through R-10 zones, on the same side of the street in the block where the building is proposed.~~
The minimum required percentage of pervious surface of a lot in the R-1A/FH, R-1B/FH, and R-2/FH zones shall be fifty percent (50%); provided this subsection shall not:

(a) Preclude enlargement of a principal building in existence as of May 18, 2007; or

(b) Create nonconformity of a structure as regulated by this title.

~~506 REAR YARD~~

~~506.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-8 and R-9 zones.~~

~~506.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-10 zone.~~

~~507 SIDE YARD~~

~~507.1 The minimum side yard requirement for all buildings, accessory buildings, or additions to buildings in the R-8, R-9, and R-10 zones shall be twenty-four feet (24 ft.) in the aggregate, with no single side yard having a width of less than eight feet (8 ft.).~~

~~507.2 [DELETED]~~

~~508 PERVIOUS SURFACE~~

~~508.1 In an R-8, R-9, or R-10 zone, the minimum percentage of pervious surface requirement of a lot shall be fifty percent (50%); provided this subsection shall not:~~
~~(a) Preclude enlargement of a principal building in existence as of May 18, 2007;~~
~~or~~
~~(b) Create nonconformity of a structure as regulated by this title.~~

~~509 TREE PROTECTION~~

~~509.1 The tree protection regulations of Subtitle C, Chapter 4 shall only apply to those lots in the R-8 zone in Squares 2042, 2043, 2046, 2049, 2231, 2232, 2238, 2239, 2244 through 2248, 2250, 2258, 2272, and 2282.~~

~~509.2 To the extent that any person seeks permission for building or terrain alteration on a lot with a slope steeper than twenty-five percent (25%) or with "highly erodible land" as defined at 7 C.F.R. § 12.2 (2005), a professional certification that the plans for alteration and/or construction will follow best geo-technical, structural engineering, and arboreal practices shall be supplied with the building permit application.~~

~~510 [REPEALED]~~

~~511 USE PERMISSIONS~~

~~511.1 Use permissions for the R-8 and R-9 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~511.2 Use permissions for the R-10 zone are as specified for Use Group B, in Subtitle U, Chapter 2.~~

The title of CHAPTER 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-11, is proposed to be amended and renumbered to CHAPTER 5 to read as follows:

CHAPTER ~~6~~ 5 NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE - ~~R-11~~ R-1A/TS/NO

CHAPTER 5, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-1A/TS/NO, is proposed to be amended to read as follows:

~~600~~ 500 PURPOSE AND INTENT

~~600.1~~ 500.1 ~~In addition to the provisions of Subtitle D § 400.1, the purposes of the Naval Observatory/Tree and Slope Protection Residential House zone (R-11) are to:~~

~~(a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;~~

~~(b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;~~

~~(c) Reflect the importance of the Naval Observatory to the District of Columbia and to the Nation;~~

~~(d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence; and~~

~~(e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-1A/TS/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~600.2~~ 500.2 ~~The R-11 zone is intended to permit detached houses on large lots.~~ In addition to the purposes of the R-1 zones, the purposes of the Tree and Slope Protection/Naval Observatory Residential House (R-1A/TS/NO) zone are to:

(a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;

(b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;

(c) Reflect the importance of the Naval Observatory to the District of Columbia and to the Nation;

(d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the

Naval Observatory and the security needs of the Vice President's residence; and

(e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

~~601~~ 501 ~~DEVELOPMENT STANDARDS~~ TREE PROTECTION

~~601.1~~ 501.1 ~~The development standards in Subtitle D §§ 602 through 609 modify the general development standards in Subtitle D, Chapter 2.~~
The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-1A/TS/NO zone.

~~602~~ 502 ~~DENSITY – LOT DIMENSIONS~~ HEIGHT

~~602.1~~ 502.1 ~~Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-11 zone shall be as set forth in the following table:~~

~~TABLE D § 602.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-11~~	~~75~~	~~7,500~~

The maximum permitted height for all buildings, not including the penthouse, in the R-1A/TS/NO zone shall be forty feet (40 ft.) and three (3) stories.

~~602.2~~ 502.2 ~~The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-11 zone.~~
The height of a building in the R-1A/TS/NO zone shall be measured as follows:

(a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and

(b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear line.

~~603~~ 503 ~~HEIGHT~~ LOT OCCUPANCY

~~603.1~~ 503.1 ~~The maximum permitted building height, not including the penthouse, in the R-11 zone shall be forty feet (40 ft.) and three (3) stories.~~

The maximum permitted lot occupancy for all structures in the R-1A/TS/NO zone shall be thirty percent (30%), except for public recreation and community centers.

~~603.2~~ **503.2** ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.~~

The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~603.3 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~603.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~604~~ **504** ~~LOT OCCUPACNY~~ **PLANNED UNIT DEVELOPMENT**

~~604.1~~ **504.1** ~~The maximum permitted lot occupancy in the R-11 zone shall be as set forth in the following table:~~

~~TABLE D § 604.1: MAXIMUM LOT OCCUPANCY~~

~~Zone~~	~~Structure~~	~~Maximum Percentage of Lot Occupancy~~
~~R-11~~	~~All Structures~~	~~30%~~

The provisions of Subtitle X, Chapter 3 of this title shall not operate to permit a planned unit development in the R-1A/TS/NO zone to exceed either the height limits of Subtitle D § 502, or the area, bulk, and yard development standards that apply as a matter of right in the R-1A/TS/NO zone.

~~605~~ **505** ~~FRONT SETBACK~~ **SPECIAL EXCEPTION NAVAL OBSERVATORY (NO) ZONES**

~~605.1~~ **505.1** ~~A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-11 zone, on the same side of the street in the block where the building is proposed.~~

In consideration of a special exception in the R-1A/TS/NO zone, in addition to any other criteria of this title, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:

(a) Present and proposed development within and adjacent to the subject zone;

(b) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plans for the federal facilities within the subject zone; and

(c) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities.

505.2 Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

(a) Office of Planning;

(b) District Department of Transportation;

(c) Department of Housing and Community Development;

(d) The Historic Preservation Office if a historic district or historic landmark is involved; and

(e) The National Capital Planning Commission.

505.3 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.

~~**606 REAR YARD**~~

~~**606.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-11 zone.**~~

~~**607 [DELETED]**~~

~~**608 PERVIOUS SURFACE**~~

~~**608.1 The minimum percentage of pervious surface requirement of a lot in an R-11 zone shall be fifty percent (50%).**~~

~~**609 TREE PROTECTION**~~

~~**609.1 The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-11 zone.**~~

~~**610 [REPEALED]**~~

~~611 USE PERMISSIONS~~

~~611.1 Use permissions for the R-11 zone are as specified for Use Group A, in Subtitle U, Chapter 2.~~

The title of CHAPTER 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-12 AND R-13, is proposed to be amended, and renumbered to CHAPTER 6, to read as follows:

CHAPTER ~~7~~ **6** NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – ~~**R-12 and r-13**~~ **R-1B/NO and R-3/NO**

CHAPTER 6, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-1B/NO AND R-3/NO, is proposed to be amended, and renumbered to CHAPTER 6, to read as follows:

~~700~~ **600 PURPOSE AND INTENT**

~~700.1~~ **600.1** ~~The purposes of the Naval Observatory Residential House zones (R-12 and R-13) are to:~~

~~(a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;~~

~~(b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;~~

~~(c) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;~~

~~(d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence; and~~

~~(e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-1B/NO and R-3/NO zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~700.2~~ **600.2** ~~The R-12 zone is intended to permit detached houses on moderately-sized lots.~~ **In addition to the purposes of the R-1 and R-3 zones, the purposes of the Naval Observatory Residential House (R-1B/NO and R-3/NO) zones are to:**

(a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;

(b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;

(c) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;

(d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence; and

(e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

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

~~**701**~~ **601 ~~DEVELOPMENT STANDARDS~~ HEIGHT**

~~**701.1**~~ **601.1 ~~The development standards in Subtitle D §§ 702 through 708 modify the general development standards in Subtitle D, Chapter 2.~~**
The maximum permitted height for all buildings, not including the penthouse, in the R-1B/NO and R-3/NO zones shall not exceed forty feet (40 ft.) and three (3) stories.

601.2 The height of a building in the R-1B/NO and R-3/NO zones shall be measured as follows:

(a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and

(b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear line.

~~702~~ 602 ~~DENSITY-LOT DIMENSIONS~~ PLANNED UNIT DEVELOPMENT

~~702.1~~ 602.1 ~~Except as provided in other provisions of this title, the minimum dimensions of lots in the R-12 and R-13 zones shall be as set forth in the following table:~~

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

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

The provisions of Subtitle X, Chapter 3, of this title shall not operate to permit a planned unit development in the R-1B/NO or R-3/NO zone to exceed either the height limits of Subtitle D § 601, or the area, bulk, and yard development standards that apply as a matter of right in the R-1B/NO or R-3/NO zone.

~~702.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-12 zone.~~

~~702.3 Except as provided for in Subtitle D § 702.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-13 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 702.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-13~~	~~20~~	~~1,600~~

~~702.4 The minimum lot width for Mandatory Inclusionary Developments in the R-13 zone may be reduced to no less than 16 feet if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~702.5 Voluntary Inclusionary Developments in the R-13 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 702.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-13~~	~~16~~	~~1,600~~

~~703~~ 603 ~~HEIGHT~~ SPECIAL EXCEPTION NAVAL OBSERVATORY (NO) ZONES

~~703.1~~ 603.1 ~~The maximum permitted building height, not including the penthouse, in the R-12 and R-13 zones shall be forty feet (40 ft.) and three (3) stories.~~
In consideration of a special exception in the R-1B/NO or R-3/NO zones, in addition to any other criteria of this title, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:

(a) Present and proposed development within and adjacent to the subject zone;

(b) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plans for the federal facilities within the subject zone; and

(c) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities.

~~703.2~~ 603.2 ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.~~
Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

(a) Office of Planning;

(b) District Department of Transportation;

(c) Department of Housing and Community Development;

(d) The Historic Preservation Office if a historic district or historic landmark is involved; and

(e) The National Capital Planning Commission.

~~703.3~~ 603.3 ~~The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~
The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.

~~703.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~704 LOT OCCUPANCY~~

~~704.1 The maximum permitted lot occupancy in the R-12 and R-13 zones shall be as set forth in the following table:~~

~~TABLE D § 704.1: MAXIMUM LOT OCCUPANCY~~

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

~~704.2 [REPEALED]~~

~~705 FRONT SETBACK~~

~~705.1 A front setback shall be provided within the range of existing front setback of all residential buildings within an R-12 or R-13 zone, on the same side of the street in the block where the building is proposed.~~

~~706 REAR YARD~~

~~706.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-12 zone.~~

~~706.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-13 zone.~~

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

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

~~707 [DELETED]~~

~~708 PERVIOUS SURFACE~~

~~708.1 The minimum percentage of pervious surface requirement of a lot in the R-12 zone shall be fifty percent (50%).~~

~~708.2 The minimum percentage of pervious surface of a lot in the R-13 zone shall be twenty percent (20%).~~

~~709 [DELETED]~~

~~710 USE PERMISSIONS~~

~~710.1 Use permissions for the R-12 zone are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~710.2 Use permissions for the R-13 zone are as specified for Use Group C, in Subtitle U, Chapter 2.~~

The title of CHAPTER 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-14, is proposed to be amended and renumbered to CHAPTER 7, to read as follows:

CHAPTER ~~8~~ 7 WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – ~~R-14 AND r-15~~ R-1A/WH anD R-1B/WH

CHAPTER 7, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-1A/WH AND R-1B/WH, is proposed to be amended and renumbered to CHAPTER 7, to read as follows:

~~800~~ 700 PURPOSE AND INTENT

~~800.1~~ 700.1 ~~The purposes of the Wesley Heights Residential House zones (R-14 and R-15) are to:~~

~~(a) Preserve and enhance the low-density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area;~~

~~(b) Preserve in general the current density of the neighborhood;~~

~~(c) Allow reasonable opportunities for owners to expand their dwellings; and~~

~~(d) Preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-1A/WH and R-1B/WH zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~800.2~~ 700.2 ~~The R-14 zone is intended to permit detached houses on large lots.~~
In addition to the purposes of the R-1 zones, the purposes of the Wesley Heights Residential House (R-1A/WH and R-1B/WH) zones are to:

(a) Preserve and enhance the low-density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area;

(b) Preserve in general the current density of the neighborhood;

(c) Allow reasonable opportunities for owners to expand their houses; and

(d) Preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.

~~800.3~~ 700.3 ~~The R-15 zone is intended to permit detached houses on moderately sized lots.~~

~~801~~ 701 ~~DEVELOPMENT STANDARDS~~ DENSITY

~~801.1~~ 701.1 ~~The development standards in Subtitle D §§ 802 through 809 modify the general development standards in Subtitle D, Chapter 2.~~
The gross floor area (GFA) of all buildings and structures on a lot in the R-1A/WH and R-1B/WH zones shall not exceed the sum of two thousand square feet (2,000 sq. ft.) plus forty percent (40%) of the area of the lot~~; provided, that the following modifications of GFA shall apply in the R-1A/WH and R-1B/WH zones~~, subject to the following:

(a) GFA shall not include:

(1) The first two hundred square feet (200 sq. ft.) of an open porch, or total open porch space if there is more than one (1) open porch, and
(2) the first six hundred square feet (600 sq. ft.) of a garage ~~shall not count in GFA~~; and

(b) ~~Basement~~ GFA shall include basement or cellar floor area ~~shall count in GFA if~~ with a finished floor ~~is provided, if the~~ and a floor to ceiling height ~~is~~ in excess of six feet, six inches (6 ft., 6 in.), ~~and~~; provided that this addition to GFA shall count only up to a floor area equal to five (5) times the total fenestration area for the entire basement or cellar ~~or basement~~ floor area, including that with unfinished floor and floor to ceiling heights below six feet, six inches (6 ft., 6 in.).

~~802~~ 702 ~~DENSITY – LOT DIMENSIONS AND GROSS FLOOR AREA~~ FRONT SETBACK

~~802.1~~ **702.1** ~~Except as prescribed in other provisions of this title, the minimum dimensions of lots in the R-14 and R-15 zones shall be as set forth in the following table:~~

~~**TABLE D § 802.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS**~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-14~~	~~75~~	~~7,500~~
~~R-15~~	~~50~~	~~5,000~~

All residential buildings shall have a front setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located.

~~802.2~~ **702.2** ~~**The gross floor area (GFA) of all buildings and structures on the lot shall not exceed the sum of two thousand square feet (2,000 sq. ft.) plus forty percent (40%) of the area of the lot; provided, that the following modifications of GFA shall apply in the R-14 and R-15 zones:**~~

~~**(a) The first two hundred square feet (200 sq. ft.) of an open porch, or total open porch space if there is more than one (1) open porch, and the first six hundred square feet (600 sq. ft.) of a garage shall not count in GFA; and**~~

~~**(b) Basement or cellar floor area shall count in GFA if a finished floor is provided, if the floor to ceiling height is in excess of six feet, six inches (6 ft., 6 in.), and shall count only up to a floor area equal to five (5) times the total fenestration area for the cellar or basement floor.**~~

The required setbacks are depicted in the map entitled, "Required Front Yard Setbacks," which is a part of this zone and located in the Office of Zoning and in the Office of the Zoning Administrator at the Department of Consumer and Regulatory Affairs.

~~**802.3 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-16 zone.**~~

~~**803**~~ **703** ~~**HEIGHT**~~ **LOT OCCUPANCY**

~~803.1~~ **703.1** ~~**The maximum permitted building height, not including the penthouse, in the R-14 and R-15 zones shall be forty feet (40 ft.) and three (3) stories.**~~
The maximum permitted lot occupancy for all structures, except for public recreation and community centers, in the R-1A/WH and R-1B/WH zones shall be thirty percent (30%); except that:

(a) Structures on lots between five thousand square feet (5,000 sq. ft.) and six thousand six hundred and sixty-seven square feet (6,667 sq. ft.) may occupy up to two thousand square feet (2,000 sq. ft.); and

(b) Structures on lots less than five thousand square feet (5,000 sq. ft.) may occupy up to forty percent (40%) of the area of the lot.

803.2 **703.2** ~~**The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.**~~
The maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

~~**803.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).**~~

~~**804 LOT OCCUPANCY**~~
~~**804.1 The maximum permitted lot occupancy in the R-14 and R-15 zones shall be thirty percent (30%); except that:**~~
~~**(a) Structures on lots between five thousand square feet (5,000 sq. ft.) and six thousand six hundred and sixty-seven square feet (6,667 sq. ft.) may occupy up to two thousand square feet (2,000 sq. ft.); and**~~
~~**(b) Structures on lots less than five thousand square feet (5, 000 sq. ft.) may occupy up to forty percent (40%) of the area of the lot**~~
~~**804.2 [REPEALED]**~~
~~**804.3 [REPEALED]**~~

~~**805 FRONT SETBACK**~~
~~**805.1 All residential buildings shall have a front setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located. The required setbacks are depicted in the map entitled, "Required Front Yard Setbacks," which is a part of this zone and located in the Office of Zoning and in the Office of the Zoning Administrator at the Department of Consumer and Regulatory Affairs.**~~

~~806 REAR YARD~~

~~806.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-14 and R-15 zones.~~

~~807 [DELETED]~~

~~808 PERVIOUS SURFACE~~

~~808.1 The minimum percentage of pervious surface requirement of lots in the R-14 and R-15 zones shall be fifty percent (50%).~~

~~809 SPECIAL EXCEPTION~~

~~809.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.~~

~~810 USE PERMISSIONS~~

~~810.1 Use permissions for the R-14 and R-15 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

The title of CHAPTER 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONES - R-16, is proposed to be amended and renumbered to CHAPTER 8, to read as follows:

CHAPTER ~~9~~ **8** SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – ~~R-16~~ **R-1B/SH**

CHAPTER 8, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONES - R-1B/SH, is proposed to be amended to read as follows:

~~900~~ **800** **PURPOSE AND INTENT**

~~900.1~~ **800.1** ~~The purposes of the Sixteenth Street Heights Residential House zone (R-16) are to:~~

~~(a) Promote the conservation, enhancement, and stability of the low-density, single dwelling unit neighborhood for housing and neighborhood-related uses;~~

~~(b) Control the expansion of nonresidential uses, and/or further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the R-16 zone in order to preserve neighborhood quality; and~~

~~(c) Allow neighborhoods to continue to provide a range of health and social service facilities as well as private institutions that provide cultural and~~

~~religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan's goals and policies for maintaining the quality and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-1B/SH zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~900.2~~ **800.2** ~~The R-16 zone is intended to:~~

~~(a) Respond to concerns that over a period of years approximately one (1) in every ten (10) houses in the R-16 zone north of Colorado Avenue, N.W. has been converted to a nonresidential use, a much higher ratio than has been identified for any other similarly zoned neighborhood in the District of Columbia; and south of Colorado Avenue N.W., address concerns that more than twenty percent (20%) of the residentially zoned land is used for nonresidential purposes;~~

~~(b) Recognize that the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and to preserve a predominantly single dwelling unit residential character;~~

~~(c) Respond to the District of Columbia Comprehensive Plan's identification of the number of nonresidential uses in the neighborhood as a problem; and~~

~~(d) Address the impacts of the number of nonresidential uses and the conversion of houses to these uses in the neighborhood as reflected in the Comprehensive Plan.~~

In addition to the purposes of the R-1 zones, the purposes of the Sixteenth Street Heights Residential House (R-1B/SH) zone are to:

(a) Promote the conservation, enhancement, and stability of the low-density, single dwelling unit neighborhood for housing and neighborhood-related uses;

(b) Control the expansion of nonresidential uses, and/or further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the R-1B/SH zone in order to preserve neighborhood quality; and

(c) **Allow neighborhoods to continue to provide a range of health and social service facilities as well as private institutions that provide cultural and religious enrichment and economic vitality, but within the framework of improved public review and control over the external effects of nonresidential uses. The objective is to make more compatible the Comprehensive Plan's goals and policies for maintaining the quality and stability of residential neighborhoods with other policies related to the reasonable provision of human services throughout the District of Columbia.**

800.3 The R-1B/SH zone is intended to:

(a) **Respond to concerns that over a period of years approximately one (1) in every ten (10) houses in the R-1B/SH zone north of Colorado Avenue, N.W. has been converted to a nonresidential use, a much higher ratio than has been identified for any other similarly zoned neighborhood in the District of Columbia; and south of Colorado Avenue N.W., address concerns that more than twenty percent (20%) of the residentially zoned land is used for nonresidential purposes;**

(b) **Recognize that the neighborhood accommodates a significant number and range of human service facilities and private institutions to an extent that new and significantly expanded nonresidential use facilities should be governed by improved public review to ameliorate adverse impacts on immediate and nearby neighbors and to preserve a predominantly single dwelling unit residential character;**

(c) **Respond to the District of Columbia Comprehensive Plan's identification of the number of nonresidential uses in the neighborhood as a problem; and**

(d) **Address the impacts of the number of nonresidential uses and the conversion of houses to these uses in the neighborhood as reflected in the Comprehensive Plan.**

~~**901**~~ **801** ~~**DEVELOPMENT STANDARDS**~~ **SPECIAL EXCEPTION**

~~901.1~~ **801.1** ~~**The development standards in Subtitle D §§ 902 through 908 modify the general development standards in Subtitle D, Chapter 2.**~~
Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5204, except that a proposed expansion of an existing non-residential use in excess of ten percent (10%) of gross floor area, shall be subject to the conditions of Subtitle U § 205.2.

~~902~~ **802** ~~DENSITY – LOT DIMENSIONS~~ **USE PERMISSIONS**

~~902.1~~ **802.1** ~~Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-16 zone shall be as set forth in the following table:~~

~~TABLE D § 902.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-16~~	~~50~~	~~5,000~~

Notwithstanding the use permissions for Use Group D in Subtitle U, Chapter 2, an expansion of an existing non-residential use in the R-1B/SH zone shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.

~~902.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-16 zone.~~

~~903 HEIGHT~~

~~903.1 The maximum permitted building height, not including the penthouse, in the R-16 zone shall be forty feet (40 ft.) and three (3) stories.~~

~~903.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~903.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~904 LOT OCCUPANCY~~

~~904.1 The maximum permitted lot occupancy in the R-16 zone shall be as set forth in the following table:~~

~~TABLE D § 904.1: MAXIMUM LOT OCCUPANCY~~

~~Zone~~	~~Structure~~	~~Maximum Percentage of Lot Occupancy~~
~~R-16~~	~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~40%~~

~~905 FRONT SETBACK~~

~~905.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-16 zone, on the same side of the street in the block where the building is proposed.~~

~~906 REAR YARD~~

~~906.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-16 zone.~~

~~907 [DELETED]~~

~~908 PERVIOUS SURFACE~~

~~908.1 The minimum percentage of pervious surface requirement of a lot in an R-16 zone shall be fifty percent (50%).~~

~~909 SPECIAL EXCEPTION~~

~~909.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205, except that a proposed expansion of an existing non-residential use in excess of ten percent (10%) of gross floor area, shall be subject to the conditions of Subtitle U § 205.2.~~

~~910 USE PERMISSIONS~~

~~910.1 Use permissions for the R-16 zone are as specified for Use Group D in Subtitle U, Chapter 2.~~

~~910.2 An expansion of an existing non-residential use shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.~~

The title of CHAPTER 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-17, is proposed to be amended and renumbered to CHAPTER 9, to read as follows:

Chapter ~~10~~ **9** FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – ~~R-17~~ **R-3/FB**

CHAPTER 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES - R-3/FB, is proposed to be amended to read as follows:

~~1000~~ **900 PURPOSE AND INTENT**

~~1000.1~~ **900.1** ~~The purposes of the Foggy Bottom Residential House zone (R-17) are to:~~

~~(a) Enhance the residential character of the area by maintaining existing low-scale residential uses, human scale streetscape, and historic character;~~

~~(b) Enhance the human-scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts;~~

~~Require a scale of development consistent with the Comprehensive Plan; and the characteristics of the low scale residential townhouse neighborhood that formed the basis on which the area was designated a historic district;~~

~~(c) Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2012 Repl.), formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)), and preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;~~

~~(d) Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect the light, air, and privacy that they provide; and~~

~~(e) Encourage greater use of public transportation through use of the nearby Metrorail Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.~~

The development standards in Subtitle D, Chapter 2 shall apply to the R-3/FB zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~1000.2~~ **900.2** ~~The R-17 is intended to permit single dwelling unit row houses on small lots.~~ **In addition to the purposes of the R-3 zone, the purposes of the Foggy Bottom Residential House (R-3/FB) zone are to:**

(a) Enhance the residential character of the area by maintaining existing low-scale residential uses, human scale streetscape, and historic character;

(b) Enhance the human-scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts;

(c) Require a scale of development consistent with the Comprehensive Plan; and the characteristics of the low scale residential row house neighborhood that formed the basis on which the area was designated a historic district;

(d) **Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (2012 Repl.), formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)), and preclude demolitions or partial demolitions that would lead to an increase in height and density inappropriate to the area;**

(e) **Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and to protect the light, air, and privacy that they provide; and**

(f) **Encourage greater use of public transportation through use of the nearby Metrorail Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.**

~~1001~~ **901** ~~DEVELOPMENT STANDARDS~~ **MISCELLANEOUS**

~~1001.1~~ **901.1** ~~The development standards in Subtitle D §§ 1002 through 1008 modify the general development standards in Subtitle D, Chapter 2.~~
Buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building, or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the R-3/FB zone.

901.2 **If any building is destroyed by fire, collapse, explosion, or act of God, it may be reconstructed or restored to its previous condition or to a more conforming residential condition other than a dormitory. Excluded from this provision are uses that are nonconforming prior to April 17, 1992, and operating without a special exception issued by the Board of Zoning Adjustment.**

~~1002 DENSITY - LOT DIMENSIONS~~

~~1002.1 Except as provided in other provisions of this title, the minimum dimensions of lots in the R-17 zone shall be as set forth in the following table:~~

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

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

~~1002.2 Except as provided in Subtitle D § 1002.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-17 zone shall be as set forth~~

~~in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1002.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-17~~	~~20~~	~~1,600~~

~~1002.3 The minimum lot width for Mandatory Inclusionary Developments in the R-17 zone may be reduced to no less than 16 feet if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~1002.4 Voluntary Inclusionary Developments in the R-17 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following IZ modifications, authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1002.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-17~~	~~16~~	~~1,600~~

~~1003 HEIGHT~~

~~1003.1 The maximum permitted building height, not including the penthouse, in the R-17 zone shall be forty feet (40 ft.) and three (3) stories.~~

~~1003.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~1003.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~1004 LOT OCCUPANCY~~

~~1004.1 The maximum permitted lot occupancy in the R-17 zone shall be as set forth in the following table:~~

~~TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY~~

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

~~1005 FRONT SETBACK~~

~~1005.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-17 zone, on the same side of the street in the block where the building is proposed.~~

~~1006 REAR YARD~~

~~1006.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-17 zone.~~

~~1006.2 Notwithstanding Subtitle D § 1006.1, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.~~

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

~~1007 [DELETED]~~

~~1008 PERVIOUS SURFACE~~

~~1008.1 The minimum percentage of pervious surface requirement of a lot in an R-17 zone shall be twenty percent (20%).~~

~~1009 MISCELLANEOUS~~

~~1009.1 Buildings constructed on or before April 17, 1992, and existing legitimate uses within the buildings shall be deemed conforming, except that no addition, replacement, or expansion of the building, or change in use (except to a more conforming residential use other than a dormitory) shall be permitted unless in conformance with the requirements of the R-17 zone.~~

~~1009.2 If any building is destroyed by fire, collapse, explosion, or act of God, it may be reconstructed or restored to its previous condition or to a more conforming residential condition other than a dormitory. Excluded from this provision are uses that are nonconforming prior to April 17, 1992, and operating without a special exception issued by the Board of Zoning Adjustment.~~

~~1010 SPECIAL EXCEPTION~~

~~1010.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.~~

~~1011 USE PERMISSIONS~~

~~1011.1 Use permissions for the R-17 zones are as specified for Use Group C in Subtitle U, Chapter 2.~~

The title of CHAPTER 11 [RESERVED], is proposed to be amended and renumbered to CHAPTER 10 to read as follows:

CHAPTER ~~11~~ **10** ~~**[RESERVED]**~~ **CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-1A/CBUT**

CHAPTER 11, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-1A/CBUT, is proposed to be amended to read as follows:

1000 PURPOSE AND INTENT

1000.1 The development standards in Subtitle D, Chapter 2 shall apply to the R-1A/CBUT zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

1000.2 In addition to the purposes of the R-1A zone, the purposes of the Chain Bridge Road/University Terrace Residential House (R-1A/CBUT) zone are to:

(a) Provide for areas predominantly developed with detached houses on large lots;

(b) Preserve and enhance the park-like setting of the area by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences;

(c) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;

(d) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;

(e) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood; and

(f) Limit the minimum size of lots so as to prevent significant adverse impact on existing infrastructure, especially on traffic and pedestrian safety, and to achieve the other purposes listed in this subsection.

1000.3 The R-1A/CBUT zone applies to the area bounded on the south by MacArthur Boulevard, on the east by Battery Kemble Park/Chain Bridge Road, on the north by Loughboro Road/Nebraska Avenue, and on the west by University Terrace.

1000.4 The R-1A/CBUT zone is mapped on a residential neighborhood, located at the edge of stream beds and public open spaces that have steep slopes, substantial stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal.

1001 LOT DIMENSIONS

1001.1 The minimum required lot width and lot area for the creation of a new lot of record in the R-1A/CBUT zone shall be as set forth in the following table:

TABLE D § 1001.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-1A/CBUT	75	9,500 for lots created for dwellings after July 20, 1999
		7,500 for all other lots

1002 LOT OCCUPANCY

1002.1 The maximum permitted lot occupancy for lots in the R-1A/CBUT zone that are less than six thousand five hundred square feet (6,500 sq. ft.) shall be forty percent (40%).

1002.2 The maximum permitted lot occupancy for lots in the R-1A/CBUT zone that are between six thousand five hundred square feet (6,500 sq. ft.) and eight thousand nine hundred and ninety-nine square feet (8,999 sq. ft.) shall be thirty-five percent (35%), but not less than two thousand six hundred square feet (2,600 sq. ft.).

1002.3 The maximum permitted lot occupancy for lots in the R-1A/CBUT zone that are over nine thousand square feet (9,000 sq. ft.) shall be thirty percent (30%), but not less than three thousand one hundred and fifty square feet (3,150 sq. ft.).

1002.4 Notwithstanding Subtitle D §§ 1002.1 through 1002.3, the maximum permitted lot occupancy for public recreation and community centers shall be as set forth in Subtitle D § 210.1.

1003 PERVIOUS SURFACE

1003.1 The minimum percentage of pervious surface of a lot in the R-1A/CBUT zone, shall be fifty percent (50%), provided that this subsection shall not:

(a) Preclude enlargement of a principal building in existence as of July 30, 1999; or

(b) Create nonconformity of a structure as regulated by Subtitle C, Chapter 2.

1004 TREE PROTECTION

1004.1 The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-1A/CBUT zone.

The title of CHAPTER 12, GEORGETOWN RESIDENTIAL HOUSE ZONES - R-19 AND R-20, is proposed to be amended and renumbered to CHAPTER 11 to read as follows:

Chapter ~~12~~ **11** GEORGETOWN RESIDENTIAL HOUSE ZONES – ~~**R-19 AND R-20**~~ **R-1B/GT and R-3/GT**

CHAPTER 11, GEORGETOWN RESIDENTIAL HOUSE ZONES - R-19/GT AND R-3/G, is proposed to be amended to read as follows:

~~**1200**~~ **1100 PURPOSE AND INTENT**

~~1200.1~~ **1100.1** ~~**The purposes of the Georgetown Residential House zones (R-19 and R-20) are to:**~~

~~**(a) Protect the Georgetown National Historic Landmark District and its historic character, buildings and open space in a manner consistent with the goals and mandates of the Historic Landmark and Historic District Protection Act of 1978, and the Old Georgetown Act, approved September 22, 1950 (64 Stat. 903; D.C. Official Code §§ 6-1201-1206);**~~

~~**(b) Protect the integrity of "contributing buildings," as that term is defined by the Historic Landmark and Historic District Protection Act of 1978;**~~

~~**(c) Recognize the compatibility of any development with the purposes of the Old Georgetown Act and the Historic Landmark and Historic District Protection Act of 1978;**~~

~~(d) Limit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood; and~~

~~(e) Retain the quiet residential character of these areas and control compatible nonresidential uses.~~

The development standards in Subtitle D, Chapter 2, shall apply to the R-1B/GT and R-3/GT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~1200.2~~ **1100.2** ~~**The R-19 zone is intended to protect quiet residential areas developed with detached dwellings and to permit detached houses on moderately sized lots.**~~ **In addition to the purposes of the R-1B and R-3 zones, the purposes of the Georgetown Residential House (R-1B/GT and R-3/GT) zones are to:**

(a) Protect the Georgetown National Historic Landmark District and its historic character, buildings and open space in a manner consistent with the goals and mandates of the Historic Landmark and Historic District Protection Act of 1978, and the Old Georgetown Act, approved September 22, 1950 (64 Stat. 903; D.C. Official Code §§ 6-1201-1206);

(b) Protect the integrity of "contributing buildings," as that term is defined by the Historic Landmark and Historic District Protection Act of 1978;

(c) Recognize the compatibility of any development with the purposes of the Old Georgetown Act and the Historic Landmark and Historic District Protection Act of 1978;

(d) Limit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood; and

(e) Retain the quiet residential character of these areas and control compatible nonresidential uses.

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

~~**1201**~~ **1101** ~~**DEVELOPMENT STANDARDS**~~ **HEIGHT**

~~1201.1~~ 1101.1 ~~The development standards in Subtitle D §§ 1202 through 1209 modify the general development standards in Subtitle D, Chapter 2.~~
The maximum permitted height for all buildings, not including the penthouse, in the R-1B/GT and R-3/GT zones shall be thirty-five feet (35 ft.) and three (3) stories.

1101.2 In R-1B/GT and R-3/GT zones, a building may have a maximum height of no more than forty feet (40 ft.) only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.

1101.3 The maximum height of a building in the R-1B/GT and R-3/GT zones shall be measured to the highest point of the roof or a parapet which is not a required firewall.

1101.4 In R-1B/GT and R-3/GT zones, a two (2) or more story addition to a principal building which has an existing second story side yard shall not exceed the vertical plane of that yard for the length of the second story addition.

1101.5 In R-1B/GT and R-3/GT zones, any parapet, pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).

~~1200~~ 1102 ~~DENSITY – LOT DIMENSIONS~~ LOT OCCUPANCY

~~1202.1~~ 1102.1 ~~Except as provided in other provisions of this title, the minimum dimensions of lots in the R-19 and R-20 zones shall be as set forth in the following table:~~

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

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

In the R-3/GT zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.

~~1202.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-19 zone.~~

~~1202.3 Except as provided in Subtitle D § 1202.4, the minimum dimensions of lots for Mandatory Inclusionary Developments in the R-20 zone shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1202.3: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-20~~	~~20~~	~~1,600~~

~~1202.4 The minimum lot width for Mandatory Inclusionary Developments in the R-20 zone may be reduced to no less than 16 feet if granted as a special exception pursuant to Subtitle D § 5206.1 by the Board of Zoning Adjustment.~~

~~1202.5 Voluntary Inclusionary Developments in the R-20 zone shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize any of the following modifications authorized by Subtitle C § 1002.2:~~

~~TABLE D § 1202.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~R-20~~	~~16~~	~~1,600~~

~~1203~~ 1103 ~~HEIGHT~~ FRONT SETBACK

~~1203.1~~ 1103.1 ~~The maximum permitted building height, not including the penthouse pursuant to Subtitle D § 1102.5, in the R-19 and R-20 zones shall be thirty-five feet (35 ft.) and three (3) stories.~~

A front setback consistent with at least one (1) of the immediately adjacent properties on either side shall be provided in the R-3/GT zone.

~~1203.2 In R-19 and R-20 zones, a building may have a maximum height of no more than forty feet (40 ft.) only if a property adjacent on either side has a building height of forty feet (40 ft.) or greater.~~

~~1203.3 The maximum height of a building in the R-19 and R-20 zones shall be measured to the highest point of the roof or a parapet which is not a required firewall.~~

~~1203.4 In R-19 and R-20 zones, and addition of two (2) or more stories to a principal building which has an existing second story side yard shall not exceed the vertical plane of that existing side yard for the length of the second story addition.~~

~~1203.5 In R-19 and R-20 zones, any pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).~~

~~1203.6 An institutional building or structure may be erected to a height no exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.~~

~~1203.7 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet fix inches (18 ft. 6 in.).~~

~~1204~~ 1104 ~~LOT OCCUPANCY~~ SIDE YARD

~~1204.1~~ 1104.1 ~~The maximum permitted lot occupancy in the R-19 and R-20 zones shall be as set forth in the following table:~~

~~TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY~~

~~Zone~~	~~Structure~~	~~Maximum Percentage of Lot Occupancy~~
~~R-19~~	~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~40%~~
~~R-20~~	~~Row Dwellings~~ ~~Places of Worship~~ ~~All Other Structures~~	~~60%~~ ~~60%~~ ~~40%~~

Side yards in the R-1B/GT zone shall be a minimum of eight feet (8 ft.).

~~1204.2~~ 1104.2 ~~In the R-20 zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.~~

Side yards in the R-3/GT zone shall be a minimum of five feet (5 ft.).

1104.3 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.) in the R-1B/GT zone and a minimum of three feet (3 ft.) in the R-3/GT zone.

~~1205~~ 1105 ~~FRONT SETBACK~~ ACCESSORY BUILDINGS

~~1205.1~~ 1105.1 ~~A front setback shall be provided that is within the range of existing front setbacks of all residential buildings within an R-19 zone, on the same side of the street in the block where the building is proposed.~~

Notwithstanding Subtitle D, Chapter 50, Section 5000, accessory buildings in the R-1B/GT and R-3/GT zones shall be subject to the development standards of this section.

~~1205.2~~ 1105.2 ~~A front setback consistent with at least one (1) of the immediately adjacent properties on either side shall be provided in the R-20 zone.~~

The accessory building shall be located facing an alley, or private alley to which the owner has access by an easement recorded with the Recorder of

Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building.

1105.3 **In the R-1B/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty feet (20 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of two (2) stories.**

1105.4 **In the R-3/GT zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of fifteen feet (15 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of one (1) story.**

1105.5 **In the R-1B/GT and R-3/GT zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.) from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).**

1105.6 **Roof decks are not permitted.**

~~**1206 REAR YARD**~~

~~**1206.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-19 zone.**~~

~~**1206.2 A minimum rear yard of twenty feet (20 ft.) shall be provided in the R-20 zone.**~~

~~**1206.3 Notwithstanding Subtitle D § 1206.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.**~~

~~**1206.4 In the R-20 zone, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.**~~

~~**1207 SIDE YARD**~~

~~**1207.1 Side yards in the R-19 zone shall be a minimum of eight feet (8 ft.).**~~

~~**1207.2 Side yards in the R-20 zone shall be five feet (5 ft.).**~~

~~**1207.3 [DELETED]**~~

~~**1207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum**~~

~~of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.~~

~~1207.5 [DELETED]~~

~~1208 PERVIOUS SURFACE~~

~~1208.1 The minimum percentage of pervious surface requirement of a lot in the R-19 zone shall be fifty percent (50%).~~

~~1208.2 The minimum percentage of pervious surface requirement of a lot in the R-20 zone shall be twenty percent (20%).~~

~~1209 ACCESSORY BUILDINGS~~

~~1209.1 Accessory buildings in the R-19 and R-20 zones shall be subject to the development regulations of this section.~~

~~1209.2 The accessory building shall be located facing an alley, or private alley to which the owner has access by an easement recorded with the Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building.~~

~~1209.3 In the R-19 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty feet (20 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of two (2) stories.~~

~~1209.4 In the R-20 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of fifteen feet (15 ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of one (1) story.~~

~~1209.5 In the R-19 and R-20 zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.) from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).~~

~~1209.1 Roof decks are not permitted.~~

~~1210 SPECIAL EXCEPTION~~

~~1210.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.~~

~~1211 USE PERMISSIONS~~

~~1211.1 Use permissions for the R-19 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

~~1211.2 Use permissions for the R-20 zones are as specified for Use Group C, in Subtitle U, Chapter 2.~~

CHAPTER 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE - R-21, is proposed to be deleted in its entirety and reserved

Chapter 13 ~~Chain Bridge Road/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21~~ **[RESERVED]**

~~1300 PURPOSE AND INTENT~~

~~1300.1 The purposes of the Chain Bridge Road/University Terrace Residential House zone (R-21) are to:~~

~~(a) Provide for areas predominantly developed with detached houses on large lots;~~

~~(b) Preserve and enhance the park-like setting of the area by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences;~~

~~(c) Preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;~~

~~(d) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;~~

~~(e) Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood; and~~

~~(f) Limit the minimum size of lots so as to prevent significant adverse impact on existing infrastructure, especially on traffic and pedestrian safety, and to achieve the other purposes listed in this subsection.~~

~~1300.2 The R-21 zone applies to the area bounded on the south by MacArthur Boulevard, on the east by Battery Kemble Park/Chain Bridge Road, on the north by Loughboro Road/Nebraska Avenue, and on the west by University Terrace.~~

~~1300.3 The R-21 zone is mapped on a residential neighborhood, located at the edge of stream beds and public open spaces that have steep slopes, substantial stands of mature trees, and undeveloped lots and parcels subject to potential terrain alteration and tree removal.~~

~~1301 DEVELOPMENT STANDARDS~~

~~1301.1 The development standards in Subtitle D §§ 1302 through 1309 modify the general development standards in Subtitle D, Chapter 2.~~

~~1302 DENSITY- LOT DIMENSIONS~~

~~1302.1 Except as prescribed in other provisions of this title, the minimum dimensions of a lot in the R-21 zone shall be as set forth in the following table:~~

~~TABLE D § 1302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-21	75	9,500 for lots created for dwellings after July 20, 1999; 7,500 for all other lots

1302.2 The Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the R-21 zone.

1303 HEIGHT

1303.1 The maximum permitted building height, not including the penthouse, in the R-21 zone shall be forty feet (40 ft.) and three (3) stories.

1303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

1303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

1304 LOT OCCUPANCY

1304.1 The maximum permitted lot occupancy for lots in the R-21 zone that are less than six thousand five hundred square feet (6,500 sq. ft.) shall be forty percent (40%).

1304.2 The maximum permitted lot occupancy for lots in the R-21 zone that are between six thousand five hundred square feet (6,500 sq. ft.) and eight thousand nine hundred and ninety-nine square feet (8,999 sq. ft.) shall be thirty-five percent (35%), but not less than two thousand six hundred square feet (2,600 sq. ft.).

1304.3 The maximum permitted lot occupancy for lots in the R-21 zone that are over nine thousand square feet (9,000 sq. ft.) shall be thirty percent (30%), but not less than three thousand one hundred and fifty square feet (3,150 sq. ft.).

1305 FRONT SETBACK

1305.1 A front setback shall be provided within the range of existing front setbacks of all residential buildings within an R-21 zone, on the same side of the street in the block where the building is proposed.

1306 REAR YARD

1306.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-21 zone.

1307 [DELETED]

1308 PERVIOUS SURFACE

~~1308.1 In the R-21 zone, the minimum percentage of pervious surface of a lot shall be fifty percent (50%), provided that this subsection shall not:~~

~~(a) Preclude enlargement of a principal building in existence as of July 30, 1999; or~~

~~(b) Create nonconformity of a structure as regulated by Subtitle C, Chapter 2.~~

~~1309 TREE PROTECTION~~

~~1309.1 The tree protection regulations of Subtitle C, Chapter 4 shall apply to the R-21 zone.~~

~~1310 SPECIAL EXCEPTION~~

~~1310.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201, 5202, and 5205.~~

~~1311 USE PERMISSIONS~~

~~1311.1 Use permissions for the R-21 zones are as specified for Use Group A, in Subtitle U, Chapter 2.~~

Chapter**s** ~~14~~ **12 THROUGH** CHAPTER 48 [RESERVED]

TABLE D § 4903.1: MINIMUM LOT WIDTH AND MINIMUM AREA FOR PUBLIC SCHOOLS, of Subsection 4903.1 of § 4903, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

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

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

TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS, of § 4904.1 of § 4904, HEIGHT, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

Zone	Maximum Height, Not Including Penthouse (ft.)	Maximum Number of Stories
~~R-11, R-12, R-13~~ **R-1A/TS/NO, R-1B/NO, R-3/NO**	40	No Limit
All other R zones	60	No Limit

TABLE D § 4907.1: REAR YARD, of § 4907.1 of § 4907, REAR YARD, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE D § 4907.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS

Zone	Minimum Rear Yard (ft.)
All R-2~~,~~ **and** R-3 **zones** ~~**, R-10, R-13, R-17, R-20**~~	20
~~**All other R zones**~~ **All R-1A and R-1B zones**	25

Section 4908, SIDE YARD, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

4908 SIDE YARD

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

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

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

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

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

Section 4910, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

4910 LOT OCCUPANCY

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

TABLE D § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS

Zone	Maximum Lot Occupancy (%)
~~**R-6, R-7, R-8, R-9, R-10, R-11, R-14, R-15**~~ **R-1A/TS, R-1A/FH, R-1A/TS/NO, R-1A/WH** **R-1B/TS, R-1B/FH, R-1B/WH** **R-2/FH**	30
All other R zones	60

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

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

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

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, is proposed to be amended to read as follows:

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR **RESIDENTIAL HOUSE** ZONES

Section 5001, DEVELOPMENT STANDARDS, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be amended to read as follows:

5001 DEVELOPMENT STANDARDS

5001.1 ~~**The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.**~~
The development standards in Subtitle D, Chapter 2 shall apply to accessory buildings in the R zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

5001.2 The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.

Section 5002, HEIGHT, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be amended to read as follows:

5002 HEIGHT

5002.1 The maximum **permitted** height of an accessory building in an R zone shall be **twenty feet (20 ft.) and** two (2) stories ~~**and twenty feet (20 ft.),**~~ including the penthouse. The height of an accessory building permitted by this section shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building

Section 5007, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be deleted in its entirety.

~~**5007 SPECIAL EXCEPTION**~~
~~**5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the provisions and limitation of Subtitle D § 5201.**~~

The title of Chapter 51, ALLEY LOT REGULATIONS for R ZONES, is proposed to be amended to read as follows:

Chapter 51 ALLEY LOT REGULATIONS for ~~**R**~~ **RESIDENTIAL HOUSE** ZONES[5]

Subsection 5108.1 of § 5108 SPECIAL EXCEPTION of Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL HOUSE ZONES, is proposed to be amended to read as follows:

5108.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D § ~~**5204**~~ **5203**.

[5] Chapter 51, ALLEY LOT REGULATIONS, is the subject of a proposed text amendment in Z.C. No. 19-13.

Subsection 5201.1 (d) of § 5201, ADDITION TO BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS,[6] is proposed to be amended to read as follows:

5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) . . . ;
…

(d) ~~**Minimum lot**~~ **Lot** dimensions; . . .

Table D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY, of § 5201.3(e) of § 5201, ADDITION TO BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
(a) . . . ;
…

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy (%)
R-3 ~~R-13~~ ~~R-17~~	70
~~R-20~~ **R-3/GT** – attached dwellings only	70
R-3/GT – detached and semi-detached dwellings All Other R zones	50

[6] Chapter 52, RELIEF FROM REUIRED DEVELOPMENT STANDARDS, is the subject of a proposed text amendment in Z.C. No. 19-14.

Paragraph (b) of § 5202.2 of § 5202, SPECIAL EXCEPTION CRITERIA FOR TREE PROTECTION, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

5202.2 Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:

. . .

(b) **District** Department of Transportation, Tree Management Administration

. . .

Section 5203, SPECIAL EXCEPTION CRITERIA FOR R-11, R-12, AND R-13 (NAVAL OBSERVATORY) ZONES, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety

~~**5203 SPECIAL EXCEPTION CRITERIA FOR R-11, R-12, AND R-13 (NAVAL OBSERVATORY) ZONES**~~

~~**5203.1 In consideration of a special exception in the R-11, R-12, or R-13 zones, in addition to any other criteria of this title, the following conditions shall apply:**~~

~~**(a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:**~~

~~**1) Present and proposed development within and adjacent to the subject zone;**~~

~~**2) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plans for the federal facilities within the subject zone; and**~~

~~**3) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities;**~~

~~**(b) Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:**~~

~~**1) Office of Planning;**~~

~~**2) District Department of Transportation;**~~

~~**3) Department of Housing and Community Development;**~~

~~**4) The Historic Preservation Office if a historic district or historic landmark is involved; and**~~

~~**5) The National Capital Planning Commission; and**~~

~~**(c) The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impact identified in the consideration of the application.**~~

Section 5204, SPECIAL EXCEPTION CRITERIA FOR R-11, R-12, AND R-13 (NAVAL OBSERVATORY) ZONES, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be renumbered as Section 5203, to read as follows:

~~5204~~ 5203 **SPECIAL EXCEPTION CRITERIA ALLEY LOTS**

~~5204.1~~ 5203.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an R zone pursuant to Subtitle X, Chapter 9.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be renumbered as § 5204, to read as follows:

~~5203~~ 5204 SPECIAL EXCEPTION CRITERIA FROM PENTHOUSE PROVISIONS

~~5203.1~~ 5204.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.

Section 5206, SPECIAL EXCEPTION FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5206 SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS**~~

~~**5206.1 For Mandatory Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D § 201.3.**~~

~~**5206.2 For Voluntary Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D § 201.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle D § 5206.1.**~~

(ZC Case No. 19-27 Subtitle E)

RESIDENTIAL FLATS (RF) ZONES

CHAPTER 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended to read as follows:

CHAPTER 1 INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES

100 GENERAL PROVISIONS

100.1 ~~The Residential Flat (RF) zones are residential zones, which 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 (2) dwelling units.~~ **Subtitle E is to be read and applied in addition to the regulations included in:**

Subtitle A, Authority and Applicability;

Subtitle B, Definitions, Rules of Measurement, and Use Categories;

Subtitle C, General Rules; and

Subtitle U, Use Permissions.

~~100.2 The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses.~~

~~100.3 In addition to the purpose statements of individual chapters, the provisions of the RF zones are intended to:~~

~~(a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;~~

~~(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.~~

~~100.4 The RF zones shall be distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.~~

100.~~5~~**2** For those zones with **a** geographic ~~identification~~ **identifier**, the **zone** boundaries are ~~**cited**~~ **described** in Subtitle W**, Specific Zone Boundaries,** and identified on the official Zoning Map. ~~When there is a conflict between the official Zoning Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.~~

101 ~~DEVELOPMENT STANDARDS~~ PURPOSE AND INTENT

101.1 ~~The bulk of structures in the RF zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~ **The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) principal dwelling units.**

101.2 ~~The development standards are intended to:~~

~~(a) Control the bulk or volume of structures, including height, floor area ratio, and lot occupancy;~~

~~(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear setbacks, side setbacks, and the relationship of buildings to street lot lines;~~

~~(c) Regulate the mixture of uses; and~~

~~(d) Promote the environmental performance of development.~~

The RF zones are intended to:

(a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;

(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 single household dwellings and other structures for flats; and

(f) Prohibit the conversion of single household dwellings and flats for apartment buildings as anticipated in the RA zone.

101.3 ~~Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone-specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.~~ **The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses.**

101.4 ~~In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.~~ **The purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two (2) principal dwelling units are permitted.**

101.5 The RF-4 and RF-5 zones are typically, but not exclusively, established residential neighborhoods adjacent or proximate to higher density zones including residential, mixed-use, and downtown areas.

101.6 The RF-4 and RF-5 zones are intended to promote the continued row house character and appearance, and residential use of larger row house buildings.

101.7 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with residential row buildings of three (3) or more stories within which no more than three (3) or four (4) principal dwelling units are permitted, respectively.

~~**102 USE PERMISSIONS**~~

~~102.1 Use permissions for the RF zones are as specified in Subtitle U, Chapter 3.~~

~~**103 PARKING**~~

~~103.1 Parking requirements for the RF zones are as specified in Subtitle C.~~

~~**104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES**~~

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

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

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

~~**105 INCLUSIONARY ZONING**~~

~~105.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to all RF zone as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.~~

~~106 ANTENNAS~~

~~106.1 Antennas shall be subject to the regulations of Subtitle C, Chapter 13.~~

CHAPTER 2, general DEVELOPMENT STANDARDS (RF), is proposed to be amended to read as follows:

CHAPTER 2 ~~general~~ DEVELOPMENT STANDARDS FOR **RESIDENTIAL FLAT** (RF) ZONES

200 ~~GENERAL PROVISIONS~~ DEVELOPMENT STANDARDS

200.1 ~~The provisions of this chapter apply to all RF zones except as may be modified or otherwise provided for in a specific zone.~~ **The development standards of this chapter apply to all Residential Flat (RF) zones except as modified by a specific zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standards shall still apply.**

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.~~ **The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**

(a) Height and number of stories;

(b) Density and lot occupancy;

(c) Yards and setbacks; and

(d) Environmental performance.

200.3 A principal building on a lot in any RF zone shall be a detached building, a semi-detached building, or a row building.

200.4 ~~Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception pursuant to Subtitle X, Chapter 9.~~ If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~criterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.

200.5 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards, shall apply to all RF zones as

specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.

201 DENSITY ~~– LOT DIMENSIONS~~

201.1 ~~Except as provided in other provisions of this subtitle, the minimum dimensions of lots in the RF zones shall be as set forth in the following table:~~

~~TABLE E § 201.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~RF~~	~~18 (row dwelling or flat)~~ ~~30 (semi-detached)~~ ~~40 (all Other Structures)~~	~~1,800 (row dwelling or flat)~~ ~~3,000 (semi-detached)~~ ~~4,000 (all Other Structures)~~

Except as provided elsewhere in this title, the maximum number of principal dwelling units per lot shall be as set forth in the following table:

TABLE E § 201.1: MAXIMUM NUMBER OF PRINCIPAL DWELLING UNITS PER LOT

Zone	Maximum Number of Principal Dwelling Units Per Lot
RF-1	2
RF-4	3
RF-5	4

201.2 ~~Except as provided for in Subtitle E § 201.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:~~

~~TABLE E § 201.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR REQUIREMENTS FOR MANDATORY INCLUSIONARY DEVELOPMENTS~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~RF~~	~~18~~	~~1,500~~

No more than one (1) principal dwelling unit may be located within an accessory building, subject to Subtitle U, Chapter 3.

201.3 ~~The minimum lot width for Mandatory Inclusionary Developments in the RF zones may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle E § 5206.1 by the Board of Zoning Adjustment.~~ **Accessory dwelling units shall not be permitted in a principal building or an accessory building.**

201.4 ~~Voluntary Inclusionary Developments in the RF zones shall require special exception relief pursuant to Subtitle E § 5206.2 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:~~

~~**TABLE E § 201.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS**~~

~~Zone~~	~~Minimum Lot Width (ft.)~~	~~Minimum Lot Area (sq. ft.)~~
~~RF~~	~~16~~	~~1,500~~

Notwithstanding Subtitle E § 201.1, a building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) principal dwelling units pursuant to Subtitle U, Chapter 3.

201.5 ~~First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed.~~ **Notwithstanding Subtitle E § 201.1, an apartment house in an RF-1 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.**

201.6 ~~A building or structure subject to the provisions of this chapter shall also be subject to the development standards in the applicable RF zone.~~ **Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**

TABLE E § 201.6: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Type of Structure	Maximum FAR
RF-1	Public Recreation and Community Center	1.8
	All Other Structures	Not applicable
RF-4	Public Library	2.0
	All Other Structures	1.8
	Public Library	2.0
RF-5	All Other Structures	1.8

201.7 ~~An apartment house in an RF-1, RF-2, or RF-3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.~~ **A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to ~~the provisions of Subtitle X, Chapter 9~~ Subtitle E § 212.2.**

202 ~~PENTHOUSES~~ LOT DIMENSIONS

202.1 ~~Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~ **Except as provided in other provisions of this title, the minimum dimensions of lots in the RF zones shall be as set forth in the following table:**

TABLE E § 202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	Row	18	1,800
	Semi-detached	30	3,000
	All Other Structures	40	4,000

202.2 Except as provided for in Subtitle E § 202.3, the minimum dimensions of lots for Mandatory Inclusionary Developments in the RF zones shall be as set forth in the following table, which incorporates the IZ modifications authorized by Subtitle C § 1002.2:

TABLE E § 202.2: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR MANDATORY INCLUSIONARY DEVELOPMENTS

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	18	1,500

202.3 The minimum lot width for Mandatory Inclusionary Developments in the RF zones may be reduced to no less than sixteen feet (16 ft.) if granted as a special exception pursuant to Subtitle X, Chapter 9 by the Board of Zoning Adjustment.

202.4 Voluntary Inclusionary Developments in the RF zones shall require special exception relief pursuant to Subtitle X, Chapter 9 to utilize any of the following IZ modifications authorized by Subtitle C § 1002.2:

TABLE E § 202.4: MINIMUM LOT WIDTH AND MINIMUM LOT AREA FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS

Zone	Type of Structure	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
RF	All Structures	16	1,500

203 ~~COURT~~ HEIGHT

203.1 **Except as provided elsewhere in this title, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, and the maximum number of stories shall be as set forth in this section.** ~~Where a court is provided, the court shall have the following minimum dimensions:~~

~~TABLE E § 203.1: MINIMUM COURT DIMENSIONS~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Detached Dwellings Semi-Detached Dwellings Row Dwellings and Flats~~	~~Not applicable~~	~~Not applicable~~	~~Not applicable~~
~~All other structures~~	~~2.5 inches per 1 ft. of height of court, but not less than 6 ft.~~	~~Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft.~~	~~Twice the square of the required width of court dimension based on the height of the court, but not less than 250 ft.~~

203.2 The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle E §§ 203.3 through 203.8, shall be as set forth in the following table:

TABLE E § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Type of Structure	Maximum Height, Not Including Penthouse (ft.)	Maximum Number of Stories
RF-1	All Structures	35	3
RF-4	All Structures	40	3
RF-5	Detached Semi-detached	40	3
	Row All Other Structures	50	4

203.3 In the RF-1 zone, new construction of three (3) or more immediately adjoining residential row buildings, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

203.4 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5202.

203.5 A place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories.

203.6 A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.).

203.7 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to

the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

203.8 **An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.**

204 ~~**PERVIOUS SURFACE**~~ **ROOF TOP OR UPPER FLOOR ADDITIONS** [ZC CASE NO. 19-21 ROOF TOP OR UPPER FLOOR ELEMENTS PENDING]

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

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

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

In an RF zone district, the following provisions shall apply:

(a) **A roof top architectural element original to the building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;**

(b) **Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; and**

(c) **Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the**

owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings:

(1) "Significantly interfere" shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and

(2) "Existing solar energy system" shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:

(A) Legally permitted, installed, and operating; or

(B) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system.

204.2 In an RF zone district, relief from the design requirements of Subtitle E § 204.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the conditions of Subtitle E § 5202.3.

205 ~~REAR YARD~~ PENTHOUSES

205.1 ~~A rear yard shall be provided for each structure located in an RF, the minimum depth of which shall be as set forth in each zone chapter.~~ **A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.**

205.2 ~~In the case of a lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.~~ **A mechanical penthouse with a maximum height of eighteen feet, six inches (18 ft. 6 in.) shall be permitted on a building constructed pursuant to Subtitle E §§ 203.5 through 203.8.**

205.3 ~~In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the~~

~~building area on May 12, 1958.~~ **For all other buildings and uses, the maximum permitted height of a penthouse shall be twelve feet (12 ft.) and one (1) story.**

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

206 ~~ROOF TOP OR UPPER FLOOR ADDITIONS~~ FRONT SETBACK

206.1 ~~In an RF zone district, the following provisions shall apply:~~

~~(a) A roof top architectural element original to the building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;~~

~~(b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; and~~

~~(c) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings:~~

~~(1) "Significantly interfere" shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and~~

~~(2) "Existing solar energy system" shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:~~

~~(A) Legally permitted, installed, and operating; or~~

~~(B) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after~~

~~the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system.~~

Except as provided elsewhere in this title, the front setback shall be as set forth in this section.

206.2 ~~In an RF zone district, relief from the design requirements of Subtitle E § 206.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the conditions of Subtitle E § 5203.3.~~ **For residential buildings, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.**

207 ~~SIDE YARD~~ REAR YARD

207.1 ~~Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.~~ **Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in the following table:**

TABLE E § 207.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard (ft.)
RF-1	20
RF-4	20
RF-5	20

207.2 ~~Any side yard provided shall be a minimum of five feet (5 ft.).~~ **In the case of a lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.**

207.3 ~~Existing conforming side yards may not be reduced to a nonconforming width or eliminated.~~ **In the case of a lot proposed to be used by a public recreation and community center or public library that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, no rear yard shall be required.**

207.4 ~~In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).~~ **In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.**

207.5 Notwithstanding Subtitle E §§ 207.1 through 207.4, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

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

208 SIDE YARD

208.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

208.2 Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.

208.3 Any side yard provided shall be a minimum of five feet (5 ft.).

208.4 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.

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

208.6 In the case of a lot proposed to be used by a public library or public recreation and community center that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, no side yard shall be required.

209 COURT

209.1 Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

TABLE E § 209.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court

Single Household Dwellings and Flats	Not applicable	Not applicable	Not applicable
All Other Structures	2.5 inches per 1 ft. of height of court, but not less than 6 ft.	Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension based on the height of the court, but not less than 250 ft.

210 LOT OCCUPANCY

210.1 Except as provided ~~elsewhere in this title~~ in Subtitle E § 212.2, the maximum permitted lot occupancy shall be as set forth in the following table:

TABLE E § 210.1: MAXIMUM LOT OCCUPANCY

Zone	Type of Structure	Lot Occupancy (%)
RF-1	Single Household Dwellings and Flats	60
	Conversion of a building or structure to an apartment house	The greater of 60 or the lot occupancy as of the date of conversion
	An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60
	Places of Worship	60
	Public Recreation and Community Center	20
	All Other Structures	40
RF-4 RF-5	Public Recreation and Community Center	20
	All Other Structures	60

~~**210.2 A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, provided the applicant shows that the increase is consistent with agency policy of preserving open space.**~~

211 PERVIOUS SURFACE

211.1 Except as provided elsewhere in this title, the minimum required percentage of pervious surface of a lot shall be as set forth in the following table:

TABLE E § 211.1: MINIMUM PERCENTAGE OF PERVIOUS SURFACE

	Lot Size Minimum (sq. ft.)	Pervious Surface Minimum (%)
Residential use	Less than 1,800	0

	Lot Size Minimum (sq. ft.)	Pervious Surface Minimum (%)
	1,801 to 2,000	10
	Larger than 2000	20
All other structures	Not applicable	50

212 SPECIAL EXCEPTION

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

212.2 ~~Exceptions to~~ Relief from the development standards of this ~~subtitle~~ chapter for public recreation and community centers~~, other than lot occupancy and density, shall~~ may be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9~~. Exceptions from lot occupancy are limited to the criterion of Subtitle E § 210.2 and exceptions from density are limited to the criteria of Subtitle E § 201.7.~~, subject to the following conditions:

(a) Relief from the FAR limits of Subtitle E § 201.7 to allow a maximum of 1.8 FAR in zones with a lower maximum FAR; and

(b) Relief from the lot occupancy limitations of Subtitle E § 210.2 to allow a maximum 40% lot occupancy is permitted provided the applicant shows that the increase is consistent with agency policy of preserving open space.

CHAPTER 3, RESIDENTIAL FLAT ZONE – RF-1 is proposed to be deleted in its entirety.

~~**CHAPTER 3 RESIDENTIAL FLAT ZONE – RF-1**~~

~~**300 PURPOSE AND INTENT**~~

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

~~**301 DEVELOPMENT STANDARDS**~~

~~301.1 The development standards in Subtitle E §§ 302 through 307 modify the general development standards in Subtitle E, Chapter 2.~~

~~**302 MAXIMUM NUMBER OF DWELLING UNITS**~~

~~302.1 In the RF-1 zone, two (2) dwelling units may be located within the principal structure or one (1) each in the principal structure and an accessory structure.~~

~~302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3.~~

~~302.3 Accessory dwelling units shall not be permitted in a dwelling unit in the RF-1 zone.~~

~~**303 HEIGHT**~~

~~303.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.~~

~~303.2 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.~~

~~303.3 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.~~

~~303.4 The maximum permitted building height for a place of worship, not including the penthouse, in the RF-1 zone shall be sixty feet (60 feet) and three (3) stories.~~

~~303.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.~~

~~303.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.~~

~~303.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 303.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.~~

~~303.8 A non-residential building constructed pursuant to Subtitle E §§ 303.4 through 303.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.~~

~~**304 LOT OCCUPANCY**~~

~~304.1 The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table:~~

~~**TABLE E § 304.1: MAXIMUM LOT OCCUPANCY**~~

~~**STRUCTURE**~~	~~**MAXIMUM PERCENTAGE OF LOT OCCUPANCY**~~
~~Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship~~	~~60%~~
~~Conversion of a building or structure to an apartment house~~	~~The greater of 60% or the lot occupancy as of the date of conversion~~

~~An apartment house that existed prior to 1958 and has been in continuous use as an apartment house~~	~~60%~~
~~All other structures~~	~~40%~~

~~**305 FRONT SETBACK**~~

~~305.1 For residential dwellings in the RF-1 zone, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.~~

~~**306 REAR YARD**~~

~~306.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-1 zones.~~

~~**307 [DELETED]**~~

~~**308 [REPEALED]**~~

CHAPTER 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, is proposed to be renumbered to Chapter 3 and amended to read as follows:

CHAPTER ~~4~~**3** DUPONT CIRCLE RESIDENTIAL FLAT ZONE – ~~**RF-2**~~ **RF-1/DC**

~~**400**~~ **300 PURPOSE AND INTENT**

~~400.1~~**300.1** ~~The purpose of the RF-2 zone is to provide for areas proximate to Dupont Circle predominantly developed with row houses within which no more than two (2) dwellings are permitted.~~ **The development standards in Subtitle E, Chapter 2 shall apply to the RF-1/DC zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

~~400.2~~**300.2** ~~The RF-2 zone is intended to~~ **In addition to the purposes of the RF-1 zone, the purposes of the Dupont Circle Residential Flat (RF-1/DC) zone are to**:

(a) Recognize that Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;

(b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;

(c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;

(d) Protect the integrity of "contributing buildings," as that term is defined by the Historic Landmark and Historic District Protection Act of 1978~~,~~);

(e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;

(f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and

(g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

~~400.3~~**300.3** The ~~RF-2~~ **RF-1/DC** zone requires a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low-scale buildings.

~~**401**~~ **301** ~~**DEVELOPMENT STANDARDS**~~ **PLANNED UNIT DEVELOPMENT**

~~401.1~~**301.1** ~~The development standards in Subtitle E §§ 402 through 407 modify the general development standards in Chapter 2.~~ **The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse height for a planned unit development.**

~~**402**~~ **302** ~~**MAXIMUM NUMBER OF DWELLING UNITS**~~ **MISCELLANEOUS**

~~402.1~~ **302.1** ~~The RF-2 zone permits a maximum of two (2) dwelling units which may both be located within the principal structure or one (1) dwelling unit each may be located within the principal structure and an accessory structure.~~ **No garage or associated driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.**

~~402.2 Conversion of an existing building or structure existing before May 12, 1958 in the RF-2 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.~~

~~**403 HEIGHT**~~

~~403.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, in an RF-2 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.~~

~~403.2 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.~~

~~403.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.~~

403.4 The maximum permitted building height for a place of worship, not including the penthouse, in the RF-2 zone shall be sixty feet (60 ft.) and three (3) stories.

403.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

403.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

403.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 403.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

403.8 A non-residential building constructed pursuant to Subtitle E §§ 403.4 through 403.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.).

404 LOT OCCUPANCY

404.1 The maximum permitted lot occupancy in the RF-2 zone shall be as set forth in the following table:

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

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

405 FRONT SETBACK

405.1 For residential dwellings in the RF-2 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.

406 REAR YARD

~~406.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-2 zone.~~

~~**407 [DELETED]**~~

~~**408 [REPEALED]**~~

Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, is proposed to be renumbered to Chapter 4 and amended to read as follows:

CHAPTER ~~**54**~~ CAPITOL ~~**PRECINCT**~~ **INTEREST** RESIDENTIAL FLAT ZONE – ~~**RF-3**~~ **RF-1/CAP**

~~**500**~~ **400 PURPOSE AND INTENT**

~~500.1~~**400.1** ~~The purpose of the RF-3 zone is to provide for areas adjacent to the U.S. Capitol precinct predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.~~ **The development standards in Subtitle E, Chapter 2 shall apply to the RF-1/CAP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

~~500.2~~**400.2** ~~The RF-3 zone is intended to~~ **In addition to the purposes of the RF-1 zone, the purposes of the Capitol Interest Residential Flat (RF-1/CAP) zone are to**:

(a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;

(b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;

(c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction, having a well-recognized general public interest; and

(d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.

~~501~~**401** ~~**DEVELOPMENT STANDARDS**~~ **HEIGHT**

~~501.1~~**401.1** ~~The development standards in Subtitle E §§ 502 through 507 modify the general development standards in Subtitle E, Chapter 2.~~ **The maximum permitted height of all buildings or structures, not including the penthouse, in the RF-1/CAP zone shall not exceed thirty-five feet (35 ft.), and three (3) stories, except as specified in this section.**

401.2 **New construction of three (3) or more immediately adjoining residential row buildings, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.**

401.3 **A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5202.**

401.4 **A public recreation and community center may be erected to a height not exceeding forty feet (40 ft.).**

401.5 **The height of buildings or structures as specified in Subtitle E §§401.1 through 401.3 may be exceeded in the following instances:**

(a) **A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E §§ 401.1 through 401.3; and**

(b) **The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.**

~~502~~**402** ~~**MAXIMUM NUMBER OF DWELLING UNITS**~~ **SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST RESIDENTIAL FLAT ZONE (CAP)**

~~502.1~~**402.1** ~~The RF-3 zone permits a maximum of two (2) dwelling units that may both be located within the principal structure, or one (1) dwelling unit that may be located in the principal structure and one (1) dwelling unit may be located in an accessory structure.~~ **In the RF-1/CAP zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:**

(a) **Compatible with the present and proposed development of the neighborhood;**

(b) **Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and**

(c) In accordance with the plan promulgated under the Act.

~~502.2~~**402.2** ~~Conversion of an existing building or structure existing before May 12, 1958 in the RF-3 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.~~ **Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.**

402.3 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

402.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

~~**503 HEIGHT**~~

~~503.1 In the RF-3 zone, building height, not including the penthouse, shall be measured from the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.~~

~~503.2 The maximum permitted height of buildings or structures and any additions thereto in an RF-3 zone shall not exceed thirty-five feet (35 ft.), and three (3) stories, except as specified in this section.~~

~~503.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.~~

~~503.4 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.~~

~~503.5 The height of buildings or structures as specified in Subtitle E §§503.2 through 503.4 may be exceeded in the following instances:~~

~~(a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E§§ 503.2 through 503.4; and~~

~~(b) The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, row dwelling, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.~~

~~503.6 A non-residential building constructed pursuant to Subtitle E §§ 503.3 through 503.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).~~

~~**504 LOT OCCUPANCY**~~

~~504.1 The maximum permitted lot occupancy in the RF-3 zone shall be as set forth in the following table:~~

~~TABLE D § 404.1: MAXIMUM LOT OCCUPANCY~~

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

~~**505 FRONT SETBACK**~~

~~505.1 For residential dwellings in the RF-3 zone, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.~~

~~**506 REAR YARD**~~

~~506.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-3 zone.~~

~~**507 [DELETED]**~~

~~**508 [REPEALED]**~~

CHAPTER 6, RESIDENTIAL FLAT ZONE – RF-4 AND RF-5, is proposed to be deleted in its entirety.

~~CHAPTER 6 RESIDENTIAL FLAT ZONE – RF-4 AND RF-5~~

~~**600 PURPOSE AND INTENT**~~

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

~~600.2 The RF-4 and RF-5 zones are typically, but not exclusively, established residential neighborhoods adjacent or proximate to higher density zones including residential, mixed-use, and downtown areas.~~

~~600.3 The RF-4 and RF-5 zones are intended to promote the continued rowhouse character and appearance, and residential use of larger row house buildings.~~

~~**601 DEVELOPMENT STANDARDS**~~

~~601.1 The development standards in Subtitle E §§ 602 through 604 modify the general development standards in Subtitle E, Chapter 2.~~

602 FAR AND MAXIMUM NUMBER OF DWELLING UNITS

602.1 The maximum permitted floor area ratio (FAR) for all buildings and structures in the RF-4 and RF-5 zones shall be 1.8.

602.2 The RF-4 zone permits a maximum of three (3) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.

602.3 The RF-5 zone permits a maximum of four (4) dwelling units that may all be located within the principal structure, or no more than one (1) of the dwelling units may be located within an accessory structure.

603 HEIGHT

603.1 The maximum permitted building height in the RF-4, not including the penthouse, shall be forty feet (40 ft.) and three (3) stories.

603.2 The maximum permitted building height in the RF-5, not including the penthouse, shall be:

(a) Forty feet (40 ft.) and three (3) stories for detached and semi-detached dwellings; and

(b) Fifty feet (50 ft.) and four (4) stories for row dwellings and flats and all other structures.

603.3 A place of worship in the RF-4 and RF-5 zones may be erected to a height not exceeding shall be sixty feet (60 ft.) and three (3) stories.

603.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

603.5 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

603.6 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 603.7 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

603.7 A non-residential building constructed pursuant to Subtitle E §§ 603.3 through 603.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

604 LOT OCCUPANCY

604.1 The maximum permitted lot occupancy for the RF-4 and RF-5 zones shall be sixty percent (60%).

605 FRONT SETBACK

~~605.1 For residential dwellings in the RF-4 and RF-5 zones, a front setback shall be provided that is within the range of existing front setbacks of all structures on the same side of the street in the block where the building is proposed.~~

~~**606 REAR YARD**~~

~~606.1 A minimum rear yard of twenty-foot (20 ft.) shall be provided in the RF-4 and RF-5 zones.~~

~~**607 [DELETED]**~~

~~**608 [REPEALED]**~~

CHAPTER ~~7~~ 5 THROUGH CHAPTER ~~49~~ 48 [RESERVED]

TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS, of subsection 4904.1, of § 4904, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE E § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

Zone	Maximum Height, Not Including Penthouse (ft.)	Maximum Number of Stories
RF-1, ~~RF-2~~ **RF-1/DC**	60	No limit
~~RF-3~~ **RF-1/CAP**	40	No limit
RF-4, RF-5	90	No limit

Table E § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS, of § 4910.1 of § 4910, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE E § 4910.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS

Zone	**Maximum Lot Occupancy (%)**
All RF-1 **zones**~~, RF-2, RF-3~~	60
RF-4, RF-5	No limit

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, is proposed to be amended to read as follows:

Chapter 50 ACCESSORY BUILDING REGULATIONS for ~~**RF**~~ **RESIDENTIAL FLAT** ZONES

Section 5001, DEVELOPMENT STANDARDS, of Chapter 51, ACCESSORY BUILDING REGULATIONS FOR ~~RF~~ RESIDENTIAL FLAT ZONES, is proposed to be amended to read as follows:

5001 DEVELOPMENT STANDARDS

5001.1 ~~The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5002 through 5006.~~ **The development standards in Subtitle E, Chapter 2 shall apply to accessory buildings in the RF zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

5001.2 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5002 through 5006.

Section 5007, SPECIAL EXCEPTION of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR ~~RF~~ RESIDENTIAL FLAT ZONES,, is proposed to be deleted in its entirety.

~~**5007 SPECIAL EXCEPTION**~~

~~5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E §§ 5201.~~

THE TITLE OF Chapter 51, ALLEY LOT REGULATIONS, is proposed to be amended to read as follows:

CHAPTER 51 ALLEY LOT REGULATIONS **RESIDENTIAL FLAT ZONES [ZC CASE NO. 19-13 ALLEY LOT PENDING]**

Subsection 5108.1 of § 5108, SPECIAL EXCEPTION, of Chapter 51, ALLEY LOT REGULATIONS RESIDENTIAL FLAT ZONES, is proposed to be amended to read as follows:

5108.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E § ~~5204~~ **5203**.

The title of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

Chapter 52 RELIEF FROM **REQUIRED** DEVELOPMENT STANDARDS
[ZC CASE NO. 19-14 NONCONFORMING STRUCTURES pending]

Subsection 5201.1(d) of § 5201, ADDITION TO BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

(a) . . .

(d) ~~Minimum l~~Lot dimensions;

Section 5202, SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3), of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5202 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3)**~~

~~5202.1 In the RF-3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:~~

~~(a) Compatible with the present and proposed development of the neighborhood;~~

~~(b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and~~

~~(c) In accordance with the plan promulgated under the Act.~~

~~5202.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.~~

~~5202.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.~~

Section 5203, BUILDING HEIGHT, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be renumbered to Section 5202 and be amended to read as follows:

520~~3~~2 BUILDING HEIGHT

520~~3~~2.1 The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:

(a) The building is not on an alley lot;

(b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;

(c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;

(d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;

(e) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

(3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley; and

(f) In demonstrating compliance with Subtitle E § 520~~3~~**2**.1(e) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

520~~3~~**2**.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 520~~3~~**2**.1(a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 520~~3~~**2**.1(e).

520~~3~~**2**.3 A special exception to the requirements of Subtitle E § 20~~6~~**4** shall be subject to the conditions of Subtitle E § 520~~3~~**2**.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 20~~6~~**4**.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 520~~3~~**2**.1(b)(3) and (4).

520~~3~~**2**.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features

for the protection of adjacent or nearby properties, or to maintain the general character of a block.

Section 5204, SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be renumbered to § 5203 as follows:

5204<u>3</u> SPECIAL EXCEPTION CRITERIA ALLEY LOTS

5204<u>3</u>.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be renumbered to § 5204 as follows:

5205<u>4</u> SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS

5205<u>4</u>.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.

Section 5206, SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5206 SPECIAL EXCEPTIONS FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS**~~

~~5206.1 For Mandatory Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle E § 201.3.~~

~~5206.2 For Voluntary Inclusionary Developments in the RF zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle E § 201.4. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle E § 5206.1.~~

(ZC Case No. 19-27 Subtitle F)

SUBTITLE F RESIDENTIAL APARTMENT (RA) ZONES

CHAPTER 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES is proposed to be amended to read as follows:

CHAPTER 1 INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES

100 GENERAL PROVISIONS

100.1 ~~The Residential Apartment (RA) zones permit urban residential development and compatible institutional and semi-public buildings.~~ **Subtitle F is to be read and applied in addition to the regulations included in:**

(a) Subtitle A, Authority and Applicability;

(b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;

(c) Subtitle C, General Rules; and

(d) Subtitle U, Use Permissions.

100.2 ~~The RA zones are designed to be mapped in areas identified as moderate- or high-density residential areas suitable for multiple dwelling unit development and supporting uses.~~ **For those zones with a geographic identifier, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map**.

~~100.3 In addition to the purpose statements of individual chapters, the provisions of the RA zones are intended to:~~

~~(a) Provide for the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses;~~

~~(b) Permit flexibility by allowing all types of residential development;~~

~~(c) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;~~

~~(d) Promote a walkable living environment;~~

~~(e) Allow limited non-residential uses that are compatible with adjoining residential uses;~~

~~(f) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; and~~

~~(g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.~~

101 ~~DEVELOPMENT STANDARDS~~ PURPOSE AND INTENT

101.1 ~~The bulk of structures in the RA zones shall be controlled through the combined requirements of the general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~ **The Residential Apartment (RA) zones are residential zones, designed to provide for moderate- to high-density residential areas suitable for multiple dwelling unit development and supporting uses.**

101.2 ~~The development standards are intended to:~~

~~(a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~

~~(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~

~~(c) Regulate the mixture of uses; and~~

~~(d) Promote the environmental performance of development.~~

The RA zones are intended to:

(a) Provide for the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses;

(b) Permit flexibility by allowing all types of residential development;

(c) Promote stable residential areas while permitting a variety of types of urban residential neighborhoods;

(d) Promote a walkable living environment;

(e) Allow limited non-residential uses that are compatible with adjoining residential uses;

(f) Encourage compatibility between the location of new buildings or construction and the existing neighborhood; and

(g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.

101.3 ~~Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.~~

The purposes of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones are to:

(a) Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and

(b) Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

101.4 ~~For those zones with geographic identification, the boundaries are cited in Subtitle W and identified on the official Zoning Map. When there is a conflict between the official Zoning Map and the boundaries described in Subtitle W, the Office of Zoning shall determine the correct boundaries through a zoning certification.~~ **The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached houses, row houses, and low-rise apartments.**

101.5 ~~In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.~~ **The RA-2 zone provides for areas developed with predominantly moderate-density residential.**

101.6 The RA-3 zone provides for areas developed with predominantly medium-density residential.

101.7 The RA-4 zone provides for areas developed with predominantly medium- to high-density residential.

101.8 The RA-5 zone provides for areas developed with predominantly high-density residential.

~~**102 USE PERMISSIONS**~~

~~102.1 Use permissions for the RA zones are as specified in Subtitle U, Chapter 4.~~

~~102.2 Use permissions within a penthouse are as specified in Subtitle C § 1500.3.~~

~~**103 PARKING**~~

~~103.1 Parking requirements for the RA zones are as specified in Subtitle C, Chapter 7.~~

~~**104 PUBLIC SCHOOLS, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES**~~

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

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

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

~~105 INCLUSIONARY ZONING~~

~~105.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to all RA zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and the zone-specific development standards of this subtitle, except for the RA-5 and RA-10 zones in which the IZ requirements, modifications, and bonus density shall not apply.~~

CHAPTER 2, GENERAL DEVELOPMENT STANDARDS FOR RA ZONES, is proposed to be amended to read as follows:

CHAPTER 2 ~~GENERAL~~ DEVELOPMENT STANDARDS RESIDENTIAL APARTMENT (RA) ZONES

200 ~~GENERAL PROVISIONS~~ DEVELOPMENT STANDARDS

200.1 ~~The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.~~ **The development standards of this chapter shall apply to all Residential Apartment (RA) zones except as modified by a specific zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standards shall still apply.**

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.~~ **The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following**:

(a) Height and number of stories;

(b) Density and lot occupancy;

(c) Yards and setbacks; and

(d) Environmental performance.

200.3 ~~Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception pursuant to the provisions of Subtitle X, Chapter 9.~~ If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~criterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.

200.4 **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to the RA zones, except the RA-5 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle.**

201 DENSITY – ~~FLOOR AREA RATIO AND LOT DIMENSIONS~~

201.1 ~~First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed~~ **Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:**~~.~~

TABLE F § 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Type of Structure	Maximum FAR
RA-1	Public Library	2.0
	All Other Structures	0.9
RA-2	Public Library	2.0
	All Other Structures	1.8
RA-3	Public Recreation and Community Center	1.8
	All Other Structures	3.0
RA-4	Public Recreation and Community Center	1.8
	All Other Structures	3.5
RA-5	Public Recreation and Community Center	1.8
	Apartment House or Hotel	6.0
	All Other Structures	5.0

201.2 ~~In the RA-1 zone, each row dwelling shall have at least one thousand eight hundred square feet (1,800 sq. ft.) of gross land area exclusive of any land area in the project used as a basis for determining the floor area ratio of multiple dwelling unit buildings~~ **A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the ~~provisions of Subtitle X, Chapter 9~~ Subtitle F § 212.2**.

201.3 ~~Each row dwelling need not have a site of one thousand eight hundred square feet (1,800 sq. ft.) and the difference between the site area and the gross land area may be accumulated into common spaces. Land area used to support this floor area ratio of multiple dwelling unit buildings may also be used for common spaces~~ **A public recreation and community center may have a 1.8 FAR in the RA-1 zone if approved by the Board of Zoning Adjustment as a special exception pursuant to the ~~provisions of Subtitle X, Chapter 9~~ Subtitle F § 212.2**.

201.4 ~~Lot area and lot width for residential uses permitted as a special exception shall be as prescribed by the Board of Zoning Adjustment.~~**The maximum permitted FAR for Inclusionary Developments in the RA-1 through RA-4 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in the RA-1 zone Voluntary Inclusionary Developments shall require special exception relief pursuant to pursuant to Subtitle X, Chapter 9 to utilize this modification:**

TABLE F § 201.4: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS

Zone	Maximum FAR for Inclusionary Developments
RA-1	1.08 (Voluntary Inclusionary Developments require special exception relief under Subtitle X, Chapter 9)
RA-2	2.16
RA-3	3.6
RA-4	4.2

202 ~~COURTS~~ LOT DIMENSIONS

202.1 ~~A court is not required, but if provided, it shall have the following minimum dimensions:~~

~~TABLE F § 202.1: MINIMUM COURT DIMENSIONS~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units:~~	~~4 in./ft. of height of court but not less than 10 ft. minimum~~	~~4 in./ft. of height of court but not less than 15 ft. minimum~~	~~Twice the square of the required width of court dimension but not less than 350 sq. ft. minimum~~
~~Non Residential and Lodging:~~	~~2.5 in./ft. of height of court but not less than 6 ft. minimum~~	~~2.5 in./ft. of height of court but not less than 12 ft. minimum~~	~~Twice the square of the required width of court dimension but not less than 250 sq. ft. minimum~~

In the RA-1 zone, each single household row building shall have at least one thousand eight hundred square feet (1,800 sq. ft.) of gross land area exclusive of any land area in the project used as a basis for determining the floor area ratio of multiple dwelling unit buildings. Each single household row building however, need not have a site of one thousand eight hundred square feet (1,800 sq. ft.) and the difference between the site area and the gross land area may be accumulated into common spaces. Land area used to support this floor area ratio of multiple dwelling unit buildings may also be used for common spaces.

202.2 Lot area and lot width for residential uses permitted as a special exception shall be as prescribed by the Board of Zoning Adjustment.

203 HEIGHT

203.1 Except ~~in the RA-6 and RA-7 zones, and except~~ as provided ~~in the Subtitle A § 402,~~ **elsewhere in this title,** the **maximum permitted** height of buildings or structures**, not including the penthouse, and the maximum number of stories shall be as set forth** ~~specified in each zone of this subtitle may be exceeded as provided~~ in this section.

203.2 ~~A place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including the penthouse.~~ **The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle F §§ 203.3 through 203.7, shall be as set forth in the following table:**

TABLE F § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Maximum Height, Not Including Penthouse (ft.)	Maximum Number of Stories
RA-1	40	3
RA-2	50	No Limit
RA-3	60	No Limit
RA-4	90	No Limit
RA-5	90	No Limit

203.3 ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located.~~ A place of worship may be erected to a height not exceeding sixty feet (60 ft.) and three (3) stories, not including the penthouse.

203.4 ~~Except as provided in Subtitle F §§ 203.2 and 203.3, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.~~ **A public recreation and community center may be erected to a height not exceeding forty-five feet (45 ft.).**

203.5 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

203.6 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided, that the building or structure shall be removed from all lot lines of its lot for a distance equal to

the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

203.7 A college or university building or structure covered by an approved campus plan pursuant to Subtitle X, Chapter 1 may be erected to a height not exceeding sixty feet (60 ft.) in an RA-2 zone.

204 ~~PENTHOUSES~~ [RESERVED]

~~204.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~

~~204.2 A non-residential building constructed pursuant to Subtitle F §§ 203.2 through 203.4 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. -6 in.) in height maximum.~~

205 PENTHOUSES

205.1 A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

205.2 The maximum permitted height of a penthouse shall be as set forth in the following table:

TABLE F § 205.2: MAXIMUM PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
RA-1	12 ft.	1
RA-2	12 ft., except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA-3	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA-4	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
RA-5	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

205.3 In the RA-1 and RA-2 zones, a mechanical penthouse with a maximum height of eighteen feet six inches (18 ft. 6 in.) shall be permitted on a building constructed pursuant to Subtitle F §§ 203.3 through 203.7.

206 [RESERVED]

207 REAR YARD

207.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in the following table:

TABLE F § 207.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard
RA-1	20 ft.
RA-2	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-3	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-4	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-5	A distance equal to 3 in. per 1 ft. of principal building height but not less than 12 ft.

207.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

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

207.4 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

208 SIDE YARD

208.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

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

208.3 Except as provided in Subtitle F § 208.2, the following side yard rules apply:

(a) In the RA-1 zone, one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and

(b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).

208.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.

208.5 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.

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

209 COURT

209.1 Courts are not required, however, where a court is provided, the court shall have the following minimum dimensions:

TABLE F § 209.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units	4 in./ft. of height of court but not less than 10 ft.	4 in./ft. of height of court but not less than 15 ft.	Twice the square of the required width of court dimension but not less than 350 sq. ft.
All Other Structures	2.5 in./ft. of height of court but not less than 6 ft.	2.5 in./ft. of height of court but not less than 12 ft.	Twice the square of the required width of court dimension but not less than 250 sq. ft.

210 LOT OCCUPANCY

210.1 Except as provided ~~elsewhere in this title~~ in Subtitle F § 12.2, the maximum permitted lot occupancy shall be as set forth in the following table:

TABLE F § 210.1: MAXIMUM ~~PERMITTED~~ LOT OCCUPANCY

Zone	Type of Structure	~~Maximum~~ Lot Occupancy (%) ~~(Percentage)~~
RA-1	Public Recreation and Community Center	20
	Public Library	60
	Places of Worship	60
	All Other Structures	40
RA-2	Public Recreation and Community Center	20

	All Other Structures	**60**
RA-3	**Public Recreation and Community Center**	**20**
	All Other Structures	**75**
RA-4	**Public Recreation and Community Center**	**20**
	All Other Structures	**75**
RA-5	**Public Recreation and Community Center**	**20**
	All Other Structures	**75**

~~210.2~~ ~~A public recreation and community center may be permitted a lot occupancy not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, provided the applicant shows that the increase is consistent with agency policy of preserving open space.~~

211 GREEN AREA RATIO

211.1 The minimum green area ratio (GAR) shall be 0.4 in the RA-1 and RA-2 zones and 0.3 in the RA-3, RA-4, and RA-5 zones.

212 SPECIAL EXCEPTION

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

212.2 ~~Exceptions to~~ Relief from the development standards of this ~~subtitle~~ chapter for public recreation and community centers~~, other than lot occupancy and density, shall~~ may be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9~~. Exceptions from lot occupancy are limited to the criterion of Subtitle F § 210.2 and exceptions from density are limited to the criteria of Subtitle F §§ 201.2 and 201.3.~~; provided that relief from the lot occupancy limitations of Subtitle F § 210.1 to allow a maximum 40% lot occupancy is permitted provided the applicant shows that the increase is consistent with agency policy of preserving open space.

CHAPTER 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4 and RA-5, is proposed to be deleted in its entirety.

~~CHAPTER 3 RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5~~

~~300 PURPOSE AND INTENT~~

~~300.1 The purposes of the RA-1, RA-2, RA-3, RA-4, and RA-5 zones are to:~~

(a) Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and

(b) Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

300.2 The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.

300.3 The RA-2 zone provides for areas developed with predominantly moderate-density residential.

300.4 The RA-3 zone provides for areas developed with predominantly medium-density residential.

300.5 The RA-4 zone provides for areas developed with predominantly medium- to high-density residential.

300.6 The RA-5 zone provides for areas developed with predominantly high-density residential.

301 DEVELOPMENT STANDARDS

301.1 The development standards in Subtitle F §§ 302 through 307 modify the general development standards in Subtitle F, Chapter 2.

302 DENSITY – FLOOR AREA RATIO (FAR)

302.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, Penthouses, the maximum permitted FAR in the RA-1 through RA-5 zones shall be as set forth in the following table:

TABLE F § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR
RA-1	0.9
RA-2	1.8
RA-3	3.0
RA-4	3.5
RA-5	5.0 6.0 for an apartment house or hotel

302.2 The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA-5 zone.

302.3 The maximum permitted FAR for Inclusionary Developments in the RA-1 through RA-4 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table; provided that in the RA-1 zone Voluntary Inclusionary Developments shall require special exception relief pursuant to Subtitle F § 5206.1 to utilize this modification:

TABLE F § 302.3: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS

Zone	Maximum FAR for Inclusionary Developments

RA-1	1.08 (Voluntary Inclusionary Developments require special exception relief under Subtitle F § 5206.1)
RA-2	2.16
RA-3	3.6
RA-4	4.2

303 HEIGHT

303.1 Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse, in the RA-1 through RA-5 zones shall be as set forth in the following table:

TABLE F § 303.1: MAXIMUM PERMITTED BUILDING HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Number of Stories
RA-1	40	3
RA-2	50	No Limit
RA-3	60	No Limit
RA-4	90	No Limit
RA-5	90	No Limit

303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle F § 204 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE F § 303.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
RA-1	12 ft.	1
RA-2	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA-3	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
RA-4	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space
RA-5	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

304 LOT OCCUPANCY

304.1 Except as provided in other provisions of this chapter, the maximum permitted lot occupancy shall be established for lots in the RA-1, RA-2, RA-3, RA-4, and RA-5 zones as set forth in the following table:

TABLE F § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy (Percentage)
RA-1	40
RA-2	60
RA-3	75
RA-4	75
RA-5	75

305 REAR YARD

305.1 A minimum rear yard shall be established for lots in the RA-1, RA-2, RA-3, RA-4 and RA-5 zones as set forth in the following table:

TABLE F § 304.1: MINIMUM REAR YARD

Zone	Minimum Rear Yard
RA-1	20 ft.
RA-2	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-3	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-4	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-5	A distance equal to 3 in. per 1 ft. of principal building height but not less than 12 ft.

305.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

305.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

306 SIDE YARD

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

306.2 Except as provided in Subtitle F § 306.1, the following side yard rules apply:

(a) In the RA-1 zone, one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and

(b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).

306.3 [DELETED]

306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.

306.5 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.

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

307 GREEN AREA RATIO

~~307.1 The minimum green area ratio (GAR) shall be 0.4 in the RA-1 and RA-2 zones and 0.3 in the RA-3, RA-4, and RA-5 zones.~~

~~**308 [REPEALED]**~~

CHAPTER 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, is proposed to be renumbered to CHAPTER 3 and amended to read as follows:

CHAPTER 4 **3 NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE –** ~~**RA-6**~~ **RA-1/NO**

~~**400**~~ **300 PURPOSE AND INTENT**

~~400.1~~ **300.1** ~~The RA-6 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments in the vicinity of the U.S. Naval Observatory.~~**The development standards in Subtitle F, Chapter 2 shall apply to the RA-1/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

~~400.2~~ **300.2** ~~The RA-6 zone is intended to~~**In addition to the purposes of the RA-1 zone, the purposes of the Naval Observatory Residential Apartment (RA-1/NO) zone are to**:

(a) Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;

(b) Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special missions of the Naval Observatory;

(c) Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;

(d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence; and

(e) Provide development standards to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone.

~~**401 DEVELOPMENT STANDARDS**~~

~~401.1 The development standards in Subtitle F §§ 402 through 408 modify the general development standards in Subtitle F, Chapter 2.~~

~~401.2 The provisions of Subtitle X, Chapter 3 of this title shall not operate to permit a planned unit development in the RA-6 zone to exceed either the limits of Subtitle F § 402.1, or the area, bulk, and yard standards that apply as a matter-of-right in the RA-6 zone.~~

~~**402 DENSITY – FLOOR AREA RATIO (FAR)**~~

~~402.1 The maximum permitted FAR in the RA-6 zone shall be 0.9, or 1.08 for Inclusionary Developments, incorporating the bonus density authorized by Subtitle C § 1002.3.~~

~~403~~ 301 HEIGHT

~~403.1~~ **301.1** The maximum permitted ~~building~~ height **for all buildings** ~~in the RA-6 zone~~, not including the penthouse, **in the RA-1/NO zone** shall be forty feet (40 ft.) and three (3) stories.

~~403.2~~ **301.2** ~~For the purposes of the RA-6 zone, t~~**T**he height of a building **in the RA-1/NO zone** shall be measured as follows:

(a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and

(b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

~~403.3 The maximum permitted height of a penthouse, except as permitted in Subtitle F § 204 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) for penthouse mechanical space, and one (1) story.~~

~~**404 LOT OCCUPANCY**~~

~~404.1 The maximum permitted lot occupancy in the RA-6 zone shall be forty percent (40%).~~

~~**405 REAR YARD**~~

~~405.1 In the RA-6 zone a minimum rear yard of twenty feet (20 ft.) shall be provided.~~

~~405.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.~~

~~405.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.~~

~~406 SIDE YARD~~

~~406.1 A minimum of one (1) side yard shall be provided for all buildings unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.).~~

~~406.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-6 zone.~~

~~406.3 [DELETED]~~

~~406.4 A side yard shall not be required along a side street abutting a corner lot.~~

~~406.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.~~

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

~~407 GREEN AREA RATIO~~

~~407.1 The minimum GAR in the RA-6 zone shall be 0.4.~~

~~408 [REPEALED]~~

302 PLANNED UNIT DEVELOPMENT

302.1 The provisions of Subtitle X, Chapter 3 of this title shall not operate to permit a planned unit development in the RA-1/NO zone to exceed either the height limits of Subtitle F § 301, or the area, bulk, and yard standards that apply as a matter-of-right in the RA-1/NO zone.

303 SPECIAL EXCEPTION NAVAL OBSERVATORY ZONES

303.1 In consideration of a special exception in the RA-1/NO zone, in addition to any other criteria of this title, the Board of Zoning Adjustment shall consider whether the proposed development is compatible with the following:

(a) Present and proposed development within and adjacent to the subject zone;

(b) Goals, objectives, and policies pertaining to federal facilities, as found in the Comprehensive Plan and the Master Plan for the federal facilities within the subject zone; and

(c) Role, mission, and functions of the federal facilities within the subject zone, considering the effect that the proposed development would have on such facilities.

303.2 **Before taking action on an application, the Board of Zoning Adjustment shall submit the application to the following agencies for review and written reports:**

(a) Office of Planning;

(b) District Department of Transportation;

(c) Department of Housing and Community Development;

(d) The Historic Preservation Office if a historic district or historic landmark is involved; and

(e) The National Capital Planning Commission.

303.3 **The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.**

CHAPTER 5 CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE - RA-7 is proposed to be renumbered as Chapter 4 and renamed and amended to read as follows:

CHAPTER ~~5~~4 CAPITOL ~~PRECINCT~~ INTEREST RESIDENTIAL APARTMENT ZONE - ~~RA-7~~RA-2/CAP

~~500~~ 400 PURPOSE AND INTENT

~~500.1~~ **400.1** ~~The RA-7 zone provides for areas developed with predominantly moderate- and medium-density rowhouses and apartments, and is intended to:~~

~~(a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;~~

~~(b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;~~

~~(c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction having a well-recognized general public interest; and~~

~~(d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.~~

The development standards in Subtitle F, Chapter 2 shall apply to the RA-2/CAP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

400.2 **In addition to the purposes of the RA-2 zone, the purposes of the Capitol Interest Residential Apartment (RA-2/CAP) zone are to:**

(a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;

(b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;

(c) Provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction having a well-recognized general public interest; and

(d) Restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction.

~~**501 DEVELOPMENT STANDARDS**~~

~~501.1 The development standards in Subtitle F §§ 502 through 507 modify the general development standards in Subtitle F, Chapter 2.~~

~~**502 DENSITY - FLOOR AREA RATIO (FAR)**~~

~~502.1 The maximum permitted FAR in the RA-7 zone shall be 1.8, or 2.16 for Inclusionary Developments, incorporating the IZ bonus density authorized by Subtitle C § 1002.3.~~

~~503~~ 401 HEIGHT

~~503.1~~ **401.1** The maximum permitted ~~building~~ height **of all buildings or structures**, not including the penthouse, in the ~~RA7~~**RA-2/CAP** zone shall be forty feet (40 ft.) and three (3) stories.

~~503.2~~ **401.2 The height of buildings or structures as specified in Subtitle F § 401.1 may be exceeded in the following instances:**

(a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle F § 401.1; and

(b) The maximum permitted height of a penthouse, except as prohibited on the roof of a ~~detached~~ **single household** dwelling~~, semi-detached dwelling, rowhouse~~, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.

~~**504 LOT OCCUPANCY**~~

~~504.1 The maximum permitted lot occupancy in the RA-7 zone shall be sixty percent (60%), or seventy-five percent (75%) for Inclusionary Developments, incorporating the IZ bonus density authorized by Subtitle C § 1002.3.~~

~~**505 REAR YARD**~~

~~505.1 The minimum rear yard shall be fifteen feet (15 ft.) or a distance equal to four inches (4 in.) per one foot (1 ft.) of principal building height.~~

~~505.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.~~

~~505.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.~~

~~**506 SIDE YARD**~~

~~506.1 No side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).~~

~~506.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-7 zone.~~

~~506.3 [DELETED]~~

~~506.4 A side yard shall not be required along a side street abutting a corner lot.~~

~~506.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.~~

~~506.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).~~

~~**507 GREEN AREA RATIO**~~

~~507.1 The minimum required GAR in the RA-7 zone shall be 0.4.~~

~~**508 [REPEALED]**~~

402 SPECIAL EXCEPTION CRITERIA ~~FOR RA-7 (~~CAPITOL INTEREST~~)~~ RESIDENTIAL APARTMENT ZONE

402.1 In the RA-2/CAP zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:

(a) Compatible with the present and proposed development of the neighborhood;

(b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and

(c) In accordance with the plan promulgated under the Act.

402.2 Upon receipt of the application, the Board ~~of Zoning Adjustment~~ shall submit the application to the Architect of the Capitol for review and report.

402.3 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

402.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

CHAPTER 6 DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, is proposed to be renumbered as Chapter 5 and renamed and amended to read as follows:

CHAPTER ~~6~~5 DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – ~~RA-8, RA-9, AND RA-10~~RA-2/DC, RA-4/DC, AND RA-5/DC

~~600~~ 500 PURPOSE AND INTENT

~~600.1~~**500.1** ~~The Dupont Circle RA zones (RA-8, RA-9, and RA-10) are intended to:~~

~~(a) Recognize the Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;~~

~~(b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;~~

~~(c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;~~

~~(d) Protect the integrity of "contributing buildings", as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)));~~

~~(e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;~~

~~(f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and~~

~~(g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.~~

The development standards in Subtitle F, Chapter 2 shall apply to the RA-2/DC, RA-4/DC, and RA-5/DC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~600.2~~**500.2** ~~The RA-8 zone provides for areas developed with predominantly moderate-density apartments.~~ **In addition to the purposes of the RA zones, the purposes of the Dupont Circle Residential Apartment (RA-2/DC, RA-4/DC, and RA-5/DC) zones are to:**

(a) Recognize the Dupont Circle area is a unique resource in the District of Columbia that must be preserved and enhanced;

(b) Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;

(c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development;

(d) Protect the integrity of "contributing buildings", as that term is defined by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Official Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.)));

(e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;

(f) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces; and

(g) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

~~600.3 The RA-9 zone provides for areas developed with predominantly medium- to high-density apartments.~~

~~600.4 The RA-10 zone provides for areas developed with predominantly high-density apartments.~~

~~600.5 No garage or associated driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.~~

501 PLANNED UNIT DEVELOPMENT

501.1 The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse height for a planned unit development.

502 MISCELLANEOUS

502.1 No garage or associated driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.

~~**601 DEVELOPMENT STANDARDS**~~

~~601.1 The development standards in Subtitle F §§ 602 through 607 modify the general development standards in Subtitle F, Chapter 2.~~

~~**602 DENSITY – FLOOR AREA RATIO (FAR)**~~

~~602.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, Penthouses, the maximum permitted FAR in the RA-8, RA-9, and RA-10 zones shall be as set forth in the following table:~~

~~**TABLE F § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO**~~

~~Zone~~	~~Maximum FAR~~
~~RA-8~~	~~1.8~~
~~RA-9~~	~~3.5~~
~~RA-10~~	~~5.0~~ ~~6.0 for an apartment house or hotel~~

~~602.2 The Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the RA-10 zone.~~

~~602.3 The maximum permitted FAR for Inclusionary Developments in the RA-8 and RA-9 zones, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, shall be as set forth in the following table:~~

~~**TABLE F § 602.2: MAXIMUM PERMITTED FLOOR AREA RATIO FOR INCLUSIONARY DEVELOPMENTS**~~

~~Zone~~	~~Maximum FAR for Inclusionary Developments~~
~~RA-8~~	~~2.16~~
~~RA-9~~	~~4.2~~

~~**603 HEIGHT**~~

~~603.1 Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse, in the RA-8, RA-9, and RA-10 zones shall be as set forth in the following table:~~

~~**TABLE F § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT/STORIES**~~

~~Zone~~	~~Maximum Height (ft.)~~	~~Maximum Number of Stories~~
~~RA-8~~	~~50~~	~~No Limit~~
~~RA-9~~	~~90~~	~~No Limit~~
~~RA-10~~	~~90~~	~~No Limit~~

~~**604 LOT OCCUPANCY**~~

~~604.1 The maximum lot occupancy shall be established for lots in the RA-8, RA-9, and RA-10 zones as set forth in the following table:~~

~~**TABLE F § 604.1: MAXIMUM PERCENTAGE OF LOT OCCUPANCY**~~

~~Zone~~	~~Maximum Lot Occupancy (Percentage)~~
~~RA-8~~	~~60~~
~~RA-9~~	~~75~~
~~RA-10~~	~~75~~

~~**605 REAR YARD**~~

~~605.1 A minimum rear yard shall be established for lots in the RA-8, RA-9, and RA-10 zones as set forth in the following table:~~

~~**TABLE F § 605.1: MINIMUM REAR YARD**~~

~~Zone~~	~~Minimum Rear Yard~~
~~RA-8~~	~~15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height~~
~~RA-9~~	~~15 ft.; or A distance equal to 4 in. per 1 ft. of principal building height~~
~~RA-10~~	~~12 ft.; or A distance equal to 3 in. per1 ft. of principal building height~~

~~605.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of a rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.~~

~~605.3 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.~~

~~**606 SIDE YARD**~~

~~606.1 No side yards are required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).~~

~~606.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units in the RA-8, RA-9, and RA-10 zones shall be a minimum of eight feet (8 ft.).~~

~~606.3 [DELETED]~~

~~606.4 A side yard shall not be required along a side street abutting a corner lot in the RA-8, RA-9, and RA-10 zones.~~

~~606.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.~~

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

~~**607 GREEN AREA RATIO**~~

~~607.1 The minimum green area ratio (GAR) shall be 0.4 in the RA-8 zone and 0.3 in the RA-9 and RA-10 zones.~~

~~**608 [REPEALED]**~~

New Chapter 6, REED-COOKE MIXED USE ZONES – RA-2/RC is proposed to be added and to read as follows:

CHAPTER 6 REED–COOKE RESIDENTIAL APARTMENT ZONE – RA-2/RC

600 PURPOSE AND INTENT

600.1 The development standards in Subtitle F, Chapter 2 shall apply to the RA-2/RC zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

600.2 In addition to the purposes of the RA-2 zone, the purposes of the Reed-Cooke Residential Apartment (RA-2/RC) zone are to:

(a) Protect current housing and provide for the development of new housing;

(b) Maintain heights and densities at appropriate levels;

(c) Encourage small-scale business development that will not adversely affect the residential community;

(d) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;

(e) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and

(f) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building, located on Lot 872 of Square 2560, through a planned unit development process.

601 MISCELLANEOUS

601.1 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

(a) **All new construction;**

(b) **All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;**

(c) **Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and**

(d) **Any existing use that requires a new permit from the Alcoholic Beverage Control Board.**

601.2 **If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to Subtitle F § 601.1(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:**

(a) **The first shall be selected by the owner;**

(b) **The second shall be selected by the Zoning Administrator; and**

(c) **The third shall be selected by the first two (2) contractors.**

601.3 **The estimates provided for by Subtitle F § 601.2 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.**

601.4 **The cost of estimates shall be at the expense of the property owner.**

602 **HEIGHT**

602.1 **The maximum permitted height of all buildings or structures, not including the penthouse, in the RA-2/RC zone shall be forty feet (40 ft.) and three (3) stories.**

603 **PENTHOUSES**

603.1 **The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:**

TABLE G § 603.1: MAXIMUM PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
RA-2/RC	12 ft., except 15 ft. for penthouse mechanical space	1

604 PLANNED UNIT DEVELOPMENT

604.1 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the RA-2/RC zones to exceed the floor area ratio standards of Subtitle F § 201 and the height standards of Subtitle F § 602.

605 SPECIAL EXCEPTION CRITERIA REED-COOKE RESIDENTIAL APARTMENT ZONE

605.1 An exception from the requirements of this chapter shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject to the following conditions:

(a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RA-2/RC zone;

(b) Vehicular ingress and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

(c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;

(d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences; and

(e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted.

605.2 The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

Chapters 7 through 48 are reserved as follows:

CHAPTER 7 THROUGH CHAPTER ~~49~~ 48 [RESERVED]

Subsection 4902.1 of § 4902, DENSITY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

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

Zone	Maximum FAR
~~RA-1, RA-2, RA-6, RA-7, RA-8~~ **All RA-1 and RA-2 zones**	1.8
~~RA-3, RA-4, R-5, RA-9, R-10~~ **All RA-3, RA-4 and RA-5 zones**	3.0

Subsection 4903.1 of § 4903, LOT DIMENSIONS, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

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

Zone	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
~~RA-1, RA-2, RA-6, RA-7, RA-8, RA-9~~ **All RA-1 and RA-2 zones**	9,000	80
~~RA-3, RA-4, RA-5, RA-10~~ **All RA-3, RA-4, RA-5 zones**	No minimum	80

Subsection 4906.1 of § 4906, REAR YARD, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE F § 4906.1: MINIMUM REAR YARD FOR PUBLIC SCHOOLS

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

Subsection 4907.1 of § 4907, SIDE YARD, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

Subsection 4909.1 of § 4909, LOT OCCUPANCY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

TABLE F § 4909.1: MAXIMUM LOT OCCUPANCY FOR PUBLIC SCHOOLS

Zone	Maximum Lot Occupancy (%)
~~RA-1, RA-2~~ **All RA-1 and R-2**	60
~~RA-3, RA-4, RA-5, RA-10, RA-11~~ **All RA-3, RA-4, and RA-5 zones**	75
~~RA-6, RA-7, RA-8, RA-9~~	~~40~~

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA), is proposed to be amended to read as follows:

CHAPTER 50 ACCESSORY BUILDINGS REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES

Section 5001, DEVELOPMENT STANDARDS, of Chapter 50, ACCESSORY BUILDING REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES, is proposed to be amended to read as follows:

5001 DEVELOPMENT STANDARDS ~~FOR ACCESSORY BUILDINGS~~

5001.1 ~~The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ 5001 through 5004.~~ **The development standards in Subtitle F, Chapter 2 shall apply to accessory buildings in the RA zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

5001.2 The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ 5002 through 5005.

Section 5002, HEIGHT, of Chapter 50, ACCESSORY BUILDING REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES, is proposed to be amended to read as follows:

5002 HEIGHT

5002.1 The maximum permitted height ~~for~~ **of** an accessory building shall be twenty feet (20 ft.) and two (2) stories**, including the penthouse**.

Section 5005, SPECIAL EXCEPTION, of Chapter 50, ACCESSORY BUILDING REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES, is proposed to be deleted in its entirety.

~~**5005 SPECIAL EXCEPTION**~~

~~5005.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X and subject to the provisions and limitations of Subtitle F § 5201.~~

The title of Chapter 51, ALLEY LOT REGULATIONS (RA), is proposed to be amended to read as follows:

CHAPTER 51 ALLEY LOT REGULATIONS ~~(RA)~~ RESIDENTIAL APARTMENT ZONES *[ZC CASE NO. 19-13 PENDING]*

Section 5202, SPECIAL EXCEPTION CRITERIA FOR RA-7 (CAPITOL INTEREST) ZONE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), is proposed to be deleted in its entirety.

~~**5202 SPECIAL EXCEPTION CRITERIA FOR RA-7 (CAPITOL INTEREST) ZONE**~~

~~5202.1 In the RA-7 zone, any special exception application shall be subject to the following conditions in addition to any conditions relative to the specific special exception:~~

~~(a) Compatible with the present and proposed development of the neighborhood;~~

~~(b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and~~

~~(c) In accordance with the plan promulgated under the Act.~~

~~5202.2 Upon receipt of the application, the Board shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.~~

~~5202.3 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.~~

~~5202.4 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.~~

Section 5203, SPECIAL EXCEPTION CRITERIA FOR RA-6 (NAVAL OBSERVATORY) ZONE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), is proposed to be deleted in its entirety.

~~**5203 SPECIAL EXCEPTION CRITERIA FOR RA-6 (NAVAL OBSERVATORY) ZONE**~~

~~5203.1 In the RA-6 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:~~

~~(a) Compatible with the present and proposed development of the neighborhood;~~

~~(b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and~~

~~(c) In accordance with the plan promulgated under the Act.~~

~~5203.2 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.~~

~~5203.3 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the National Capital Planning Commission for review and report.~~

~~5203.4 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.~~

SECTION 5204 SPECIAL EXCEPTION CRITERIA ALLEY LOTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (RA), is proposed to be renumbered to § 5202.

~~5204~~ 5202 SPECIAL EXCEPTION CRITERIA ALLEY LOTS

~~5204.1~~ **5202.1** The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RA zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5205 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS**~~

~~5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.~~

Section 5206, SPECIAL EXCEPTION FOR MODIFICATIONS FOR INCLUSIONARY DEVELOPMENTS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is proposed to be deleted in its entirety.

~~**5206 SPECIAL EXCEPTIONS FOR INCLUSIONARY DEVELOPMENTS (RA-1)**~~

~~5206.1 For Voluntary Inclusionary Developments in the RA-1 zone, the Board of Zoning Adjustment may grant special exception relief from maximum permitted floor area ratio requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle F § 302.3.~~

(ZC Case No. 19-27A Subtitle G)

PROPOSED TEXT AMENDMENT
The proposed amendments to the text of the Zoning Regulations are as follows: (text to be deleted is shown with a ~~strikethrough~~ and new text is shown in **bold and underlined**):

I. Subtitle G, MIXED USE ZONES, is proposed to be amended as follows:

CHAPTER 1 INTRODUCTION TO MIXED-USE (MU) ZONES IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

100 GENERAL PROVISIONS

100.1 ~~The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.~~ **Subtitle G is to be read and applied in addition to the regulations included in:**

(e) **Subtitle A, Authority and Applicability;**

(f) **Subtitle B, Definitions, Rules of Measurement, and Use Categories;**

(g) **Subtitle C, General Rules;**

(h) **Subtitle H, Neighborhood Mixed-Use (NC) Zones; and**

(i) **Subtitle U, Use Permissions**

100.2 ~~The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.~~ **For those zones with a geographic identifier, the zone boundaries are described in Subtitle W, Specific Zone Boundaries and identified on the official Zoning Map.**

~~100.3 In addition to the purpose statements of individual chapters, the purposes of the MU zones are to:~~

~~(a) Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses;~~

~~(b) Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;~~

~~(c) Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;~~

~~(d) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;~~

~~(e) Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas;~~
~~(f) Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and~~
~~(g) Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces~~.

~~100.4~~ **100.3** In the MU zones, buildings may be entirely **permitted** residential **uses**, or may be a mixture of **permitted** non-residential and residential uses.

101 ~~DEVELOPMENT STANDARDS~~ PURPOSE AND INTENT

101.1 The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and ~~multiple dwelling~~ residential development at varying densities. ~~The bulk of structures in the MU zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~

101.2 ~~The development standards are intended to:~~ **The MU zones are designed to provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers.**
~~(a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~
~~(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~
~~(c) Regulate the mixture of uses; and~~
~~(d) Ensure the environmental performance of development.~~

101.3 ~~The development standards may include allowances for the provision of affordable housing consistent with the Inclusionary Zoning provisions of Subtitle C, Chapter 10 and will be so indicated by the letters "IZ" in the development standards table.~~ **The MU zones are intended to:**

(a) **Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses;**

(b) **Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city;**

(c) **Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and**

non-residential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses;

(d) **Encourage safe and efficient conditions for pedestrian and motor vehicle movement;**

(e) **Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas;**

(f) **Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities; and**

(g) **Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces**.

101.4 ~~The bulk of public buildings and structures in the MU zones shall be controlled through the development standards specified in Subtitle G, Chapter 10 and the regulations of this chapter.~~ **The purposes of the MU-1 and MU-2 zones are to:**

(a) **Act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone;**

(b) **Preserve and protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit; and**

(c) **Permit new residential development at a higher density than new office or institutional developments**.

101.5 ~~The development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Relief from the development standards for Height and FAR shall be required as a variance. Additional zone-specific special exception criterion, if applicable, shall be considered by the Board and are referenced in this subtitle.~~ **The MU-1 zone is intended to permit moderate-density development in areas predominantly developed with residential buildings but also permitting non-residential buildings.**

101.6 ~~In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.~~ **The MU-2 zone is intended to permit medium-density development in areas predominantly developed with residential buildings but also permitting non-residential buildings.**

101.7 The MU-3 through MU-10 and the MU-15 zones are mixed-use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one (1) density designation.

101.8 The MU-3 zones are intended to:

(a) **Permit low-density mixed-use development; and**

(b) **Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.**

101.9 The MU-4 zone is intended to:

(a) **Permit moderate-density mixed-use development;**

(b) **Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and**

(c) **Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.**

101.10 The MU-5 zones are intended to:

(a) **Permit medium-density, compact mixed-use development with an emphasis on residential use;**

(b) **Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core; and**

(c) **Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.**

101.11 The MU-6 zone is intended to:

(a) **Permit medium- to high-density mixed-use development with a focus on residential use; and**

(b) **Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core.**

101.12 The MU-7 zone is intended to:

(a) **Permit medium-density mixed-use development; and**

(b) **Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.**

101.13 The MU-8 zone is intended to:

(a) **Permit medium-density mixed-use development with a focus on employment;**

(b) **Be located in uptown locations, where a large component of development will be office-retail and other non-residential uses; and**

(c) **Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.**

101.14 The MU-9 zone is intended to:

(a) **Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and**

(b) **Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.**

101.15 The MU-10 zone is intended to:

(a) **Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;**

(b) **Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;**

(c) **Require a level of public space at the ground level; and**

(d) **Allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square**

101.16 The MU-15 zone is intended to:

(a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and

(b) Be located in or near the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area.

~~**102 USE PERMISSIONS**~~

~~102.1 Use permissions for the MU zones are as specified in Subtitle U, Chapter 5.~~

~~**103 PARKING**~~

~~103.1 Parking requirements for the MU zones are as specified in Subtitle C, Chapters 7 and 8.~~

~~**104 INCLUSIONARY ZONING**~~

~~104.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all MU zones, except for the portion of the MU-13 zone in the Georgetown Historic District and the MU-27 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space, as described in Subtitle C § 1500.11, that is located in the portion of the MU-13 zone in the Georgetown Historic District or in the MU-27 zone shall be subject to the IZ requirements.~~

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

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

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

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

The title of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, is proposed to be amended to read as follows:

CHAPTER 2 ~~GENERAL~~ DEVELOPMENT STANDARDS FOR ~~MU~~ MIXED USE ZONES - MU-1 THROUGH MU-10 AND MU-15

CHAPTER 2 ~~GENERAL~~ DEVELOPMENT STANDARDS FOR ~~MU~~ MIXED USE ZONES - MU-1 THROUGH MU-10 AND MU-15 IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

200 ~~GENERAL PROVISIONS~~ DEVELOPMENT STANDARDS

200.1 ~~The provisions of this chapter apply to all MU zones except as may be modified or otherwise provided for in a specific zone.~~ The **development** standards of this chapter shall apply to ~~**all**~~ **the MU-1 through MU-10 and the MU-15** Mixed Use

(MU) zones except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a ~~section or subsection~~ **portion** of a development standard is modified the remaining ~~sections or subsections~~ **portions** of the development standard shall still apply.

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply.~~ **The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:**

a. Height and number of stories;

b. Density and lot occupancy;

c. Yards and setbacks; and

d. Environmental performance of development.

200.3 ~~Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X.~~ If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception ~~criterion~~ criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.

200.4 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density, shall apply to the MU zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, except as provided in Subtitle G § 200.5.

200.5 Notwithstanding Subtitle G § 200.4, except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications to certain development standards and bonus density of Subtitle C, Chapter 10 shall not apply to the MU-4/NO zone.

201 DENSITY ~~– FLOOR AREA RATIO (FAR)~~

201.1 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential **gross floor area** ~~GFA~~ to residential ~~GFA~~ **gross floor area**, even if in excess of otherwise permitted **floor area ratio** ~~FAR~~, shall be permitted.

201.2 Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR) shall be as set forth in the following table:

TABLE G § 201.2: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-1	4.0 4.8 (IZ)	2.5
MU-2	6.0 7.2 (IZ)	3.5
MU-3A	1.0 1.2 (IZ)	1.0
MU-3B	2.0 2.4 (IZ)	1.5
MU-4	2.5 3.0 (IZ)	1.5
MU-5A	3.5 4.2 (IZ)	1.5
MU-5B	3.5 4.2 (IZ)	1.5
MU-6	6.0 7.2 (IZ)	2.0
MU-7	4.0 4.8 (IZ)	2.5
MU-8	5.0 6.0 (IZ)	4.0
MU-9	6.5 7.8 (IZ)	6.5
MU-10	6.0 7.2 (IZ)	3.0

201.3 In the MU-4 and MU-5 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

201.4 In the MU-10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle C, Chapter 12. Both lots shall be located within the same square and shall be zoned MU-10.

201.5 In the MU-15 zone, the maximum permitted FAR shall be as set forth in the following table, except as provided elsewhere in this title:

TABLE G § 201.5: MAXIMUM PERMITTED FLOOR AREA RATIO

MU-15 Zone Height	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
Buildings erected to a height of one hundred ten feet (110 ft.) or less	8.5 10.2 (IZ)	8.5
Buildings erected to a height in excess of one hundred ten feet (110 ft.) as permitted in Subtitle G § 203.3	10.0 12.0 (IZ)	10.0

201.6 A public recreation and community center in a MU-1, MU-2 or MU-10 zone shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9.

201.7 A public recreation and community center shall not exceed a 1.8 FAR in the MU-1 and MU-2 zones.

202 ~~COURTS~~ [RESERVED]

~~202.1 A court is not required in an MU zone, but where it is provided, it shall have the following minimum dimensions:~~

~~**TABLE G § 202.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units~~	~~4 in./ft. of height of court; 10 ft. minimum~~	~~4 in./ft. of height of court; 15 ft. minimum~~	~~Twice the square of the required width of court dimension; 350 sq. ft. minimum~~
~~Non-Residential and Lodging~~	~~2.5 in./ft. of height of court; 6 ft. minimum~~	~~2.5 in./ft. of height of court; 12 ft. minimum~~	~~Twice the square of the required width of court dimension; 250 sq. ft. minimum~~

~~203 PENTHOUSES~~

~~203.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~

203 HEIGHT

203.1 Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, and the maximum number of stories shall be as set forth in this section.

203.2 **The maximum permitted height of buildings or structures and number of stories, except as provided in Subtitle G §§ 203.3 through 203.4, shall be as set forth in the following table:**

TABLE G § 203.2: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Maximum Height Not Including Penthouse (ft.)	Maximum Number of Stories
MU-1	65 70 (IZ)	N/A
MU-2	90	N/A
MU-3A	40	3
MU-3B	50	4
MU-4	50	N/A
MU-5A	65 70 (IZ)	N/A
MU-5B	75	N/A
MU-6	90 100 (IZ)	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9 MU-10	90 100 (IZ)	N/A
MU-15	110	N/A

203.3 In the MU-15 zone, a building or other structure may be erected to a height not exceeding one hundred-thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred-ten feet (110 ft.) wide between building lines.

203.4 A public recreation and community center in a MU-1, MU-2 or MU-10 zone shall not exceed a height of forty-five feet (45 ft.)

204 TRANSITION SETBACK REQUIREMENTS

204.1 In the MU-3B zone the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone district:

(a) A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the twenty-foot (20 ft.) transition setback; and

(b) An additional upper-story transition setback of ten feet (10 ft.) minimum shall be provided above a building height of forty feet (40 ft.), or top of third story.

204.2 Any required transition setback area shall not be used for loading.

204.3 A minimum of six feet (6 ft.) of the transition setback area, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:

(a) The trees shall be maintained in a healthy growing condition;

(b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

204.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.

204.5 No residential communal outdoor recreation space shall be located within fifty feet (50 ft.) of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.

205 PENTHOUSES

205.1 A penthouse on a single household dwelling or flat shall be permitted only in accordance with Subtitle C § 1500.4.

205.2 The maximum permitted height of a penthouse shall be as set forth in the following table:

TABLE G § 205.2: MAXIMUM PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-1	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-2	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3A MU-3B MU-4	12 ft., except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10 MU-15	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

206 [RESERVED]

207 REAR YARD

207.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.

207.2 In all MU zones, where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

207.3 In the MU-1 through MU-9 and the MU-15 zones, a horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

207.4 In the MU-1 and MU-2 zones a rear yard shall be established subject to the following conditions:

(a) A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be required above a horizontal plane as described in Subtitle G § 207.3;

(b) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 207.3; and

(c) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

207.5 In the MU-3 zone a minimum rear yard of twenty feet (20 ft.) shall be provided.

207.6 In the MU-4, MU-5, and MU-6 zones a minimum rear yard of fifteen feet (15 ft.) shall be provided.

207.7 In the MU-7, MU-8, MU-9, MU-10, and MU-15 zones a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided.

207.8 In the MU-3 MU-4, MU-5, MU-6, and MU-7 zones, where a lot abuts an alley rear yards shall be measured as follows:

(a) For that portion of the structure below a horizontal plane described in Subtitle G § 207.3 from the center line of the alley to the rear wall of the portion; and

(b) For that portion of the structure above the horizontal plane described in Subtitle G § 207.3, from the rear lot line to the rear wall of that portion immediately above the plane.

207.9 In the MU-8, MU-9, and MU-15 zones, a rear yard shall be established subject to the following conditions:

(a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 207.3; and

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

207.10 In the MU-10 zone, rear yards are required only for residential uses and shall be established subject to the following conditions:

(a) A rear yard shall be established no lower than the first level of residential use; and

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

207.11 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.

207.12 The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, Chapter 9 provided:

(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;

(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;

(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;

(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and

(e) **Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.**

208 SIDE YARD

208.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

208.2 In the MU-1 through MU-9 and MU-15 zones, no side yard is required for a building or structure other than a detached or semi-detached single household dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).

208.3 In the MU-1 through MU-9 zones, a minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached single household dwelling.

208.4 In the MU-10 zone no side yard is required for a principal building; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

208.5 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

209 COURT

209.1 Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

TABLE G § 209.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
All Other Structures	2.5 in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

210 LOT OCCUPANCY

210.1 Except as provided elsewhere in this title, the maximum permitted lot occupancy for a residential use shall be as set forth in the following table:

TABLE G § 210.1: MAXIMUM LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (%)
MU-1	80
MU-2	80 90 (IZ)
MU-3A	60 60 (IZ)
MU-3B	60 60 (IZ)
MU-4	60 75 (IZ)
MU-5-A MU-5-B	80 80 (IZ)
MU-6	75 80 (IZ)
MU-7	75 80 (IZ)
MU-8	100
MU-9	100
MU-10	75

Zone	Maximum Lot Occupancy for Residential Use (%)
	80 (IZ)
MU-15	100

210.2 In the MU-10 zone, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

210.3 In the MU-10 zone, for the purposes of this section, the phrase "residential uses" includes dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, and community-based residential facilities.

210.4 In the MU-1, MU-2, or MU-10 zone, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the agency shows that the increase is consistent with agency policy of preserving open space.

210.5 Notwithstanding Subtitle G § 210.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60%) maximum lot occupancy for all residential and non-residential uses.

211 GREEN AREA RATIO (GAR)

211.1 The minimum required green area ratio shall be as set forth in the following table:

TABLE G § 211.1: MINIMUM GREEN AREA RATIO (GAR)

Zone	Minimum Green Area Ratio
MU-1, MU-2, MU-3, MU-4, MU-5, MU-6	0.30
MU-7, MU-8	0.25
MU-9, MU-10, MU-15	0.20

212 PLAZA

212.1 In the MU-10 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.

212.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

213 SPECIAL EXCEPTION

213.1 Except for height and floor area ratio, exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 52.

214 COMBINED LOT

214.1 The following combined lot development provision shall apply to the MU-10 zone only:

(a) The allowable residential and non-residential bulk of a MU-10 zone may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and non-residential floor area may not exceed the zone limits;

(b) A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and

(c) For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.

The title of Chapter 3, MIXED-USE ZONES – MU-1 ND MU-2, is proposed to be renamed and amended to read as follows:

CHAPTER 3 MIXED-USE ZONES - MU-1 AND MU-2 DEVELOPMENT STANDARDS FOR MIXED-USE WATERFRONT ZONES MU-11, MU-12, MU-13, AND MU-14

CHAPTER 3 MIXED-USE ZONES - MU-1 AND MU-2 DEVELOPMENT STANDARDS FOR MIXED-USE WATERFRONT ZONES MU-11, MU-12, MU-13, AND MU-1 is proposed to be amended to read as follows:

300 PURPOSE AND INTENT

~~300.1 The purposes of the MU-1 and MU-2 zones are to:~~

~~(a) Act as a buffer between adjoining non-residential and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of this zone;~~

~~(b) Preserve and protect areas adjacent to non-residential uses or zones that contain a mix of row houses, apartments, offices, and institutions at a medium to high density, including buildings of historic and architectural merit; and~~

~~(c) Permit new residential development at a higher density than new office or institutional developments.~~

~~300.2 The MU-1 zone is intended to permit moderate-density areas predominantly developed with residential buildings but also permitting non-residential buildings.~~

~~300.3 The MU-2 zone is intended to permit medium-density areas predominantly developed with residential buildings but also permitting non-residential buildings~~.

300.1 The MU-11, MU-12, MU-13 and MU-14 zones are mixed-use zones that are intended to be applied generally in the vicinity of the waterfront.

300.2 The MU-11 zone is intended to:

(a) Permit open space, park, and low-density and low-height waterfront-oriented retail and arts uses; and

(b) Be applied in undeveloped waterfront areas.

300.3 The MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront.

300.4 The MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront.

300.5 The MU-14 zone is intended to permit high-density mixed-use development generally in the vicinity of the waterfront.

301 DEVELOPMENT STANDARDS

301.1 The development standards of this chapter ~~modify the general development standards in Subtitle G, Chapter 2~~ **shall apply to the MU-11 through MU-14 Mixed Use (MU) Waterfront zones except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a portion of a development standard is modified the remaining portions of the development standard shall still apply**.

301.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:

a. Height and number of stories;

b. Density and lot occupancy;

c. Yards and setbacks; and

d. Environmental performance of development.

200.3 ~~**Development standards may be varied by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception established in Subtitle X.**~~ **If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception** ~~**criterion**~~ **criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.**

301.4 **The Inclusionary Zoning (IZ) requirements, and the available IZ modifications to certain development standards and bonus density shall apply to the MU-11, MU-12 and MU-14 zones as specified in Subtitle C, Chapter 10, Inclusionary Zoning, except as provided in G § 301.5 and in the zone-specific development standards of this subtitle.**

301.5 **Notwithstanding Subtitle G § 301.4, except for new penthouse habitable space as described in Subtitle C § 1500.11, the IZ requirements and modifications to certain development standards and bonus density of Subtitle C, Chapter 10 shall not apply to the portion of the MU-13 zone in the Georgetown Historic District.**

302 DENSITY ~~– FLOOR AREA RATIO (FAR)~~

302.1 **Except as provided elsewhere in this title, the maximum permitted floor area ratio (FAR)** ~~The maximum permitted FAR of buildings in the MU-1 and MU-2 zones~~ shall be as set forth in the following table:

TABLE G § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

~~Zone~~	~~Maximum Permitted FAR~~	
	~~Total Permitted~~	~~Maximum Non-Residential Use~~
~~MU-1~~	~~4.0~~ ~~4.8 (IZ)~~	~~2.5~~
~~MU-2~~	~~6.0~~ ~~7.2 (IZ)~~	~~3.5~~

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-11	0.5	0.5
MU-12	2.5	1.0
	3.0 (IZ)	
MU-13	4.0	2.0
	4.8 (IZ)	
MU-14	6.0	5.0
	7.2 (IZ)	

302.2 In the MU-11, MU-12, MU-13 and MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the "Total Permitted" floor area ratio.

302.3 In the MU-11 zone, the density on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75 FAR; and for the purposes of this subsection, FAR shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

302.4 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception pursuant to the provisions of Subtitle X, Chapter 9.

302.5 A public recreation and community center shall not exceed a 1.8 FAR in the MU-12, MU-13, and MU-14 zones.

303 HEIGHT

303.1 ~~The maximum permitted building height, not including the penthouse, in the MU-1 and MU-2 zones shall be as set forth in the following table:~~ **Except as provided elsewhere in this title, the maximum permitted height of buildings or structures, not including the penthouse, shall be as set forth in this section.**

~~***TABLE G § 303.1: MAXIMUM PERMITTED BUILDING HEIGHT***~~

~~Zone~~	~~Maximum Height (Feet)~~
~~MU-1~~	~~65~~
	~~70 (IZ)~~
~~MU-2~~	~~90~~

303.*2* **The maximum permitted height of buildings or structures, except as provided in Subtitle G §§ 303.3 through 303.4, shall be as set forth in the following table:**

TABLE G § 303.2: MAXIMUM HEIGHT

Zone	Maximum Height Not Including Penthouse (ft.)
MU-11	40
MU-12	45
	50 (IZ)
MU-13	60
MU-14	90
	100 (IZ)

~~The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:~~

~~TABLE G § 303.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES~~

~~ZONE~~	~~Maximum Penthouse Height~~	~~Maximum Penthouse Stories~~
~~MU-1~~	~~12 ft., except 18 ft. 6 in. for penthouse mechanical space~~	~~1; Second story permitted for penthouse mechanical space~~
~~MU-2~~	~~20 ft.~~	~~1 plus mezzanine; Second story permitted for penthouse mechanical space~~

303.3 ~~Penthouses less than ten feet (10 ft.) in height above a roof or parapet wall of a structure on Kingman Island shall not be subject to the requirements of Subtitle G, Chapters 11 and 12 of this subtitle when the top of the penthouse is below maximum building height prescribed for the MU-11 zone.~~ **In the MU-11 zone, a building or structure located on, in, or over the water; or a watercraft, including a floating home shall have a maximum height of twenty-five feet (25 ft.). For the purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure, or watercraft to the highest point of the building or structure, not including sailboat masts. ~~; and~~**

303.4 **A public recreation and community center in a MU-12, MU-13 or MU-14 zone shall not exceed a height of forty-five feet (45 ft.)**

304 **~~LOT OCCUPANCY~~ [RESERVED]**

~~*304.1* *The maximum permitted lot occupancy for residential use in the MU-1 and MU-2 zones shall be as set forth in the following table:*~~

~~TABLE G § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR RESIDENTIAL USE~~

~~Zone~~	~~Maximum Lot Occupancy (Percentage)~~
~~MU-1~~	~~80~~
~~MU-2~~	~~80~~
	~~90 (IZ)~~

~~**305 REAR YARD**~~

~~305.1 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be required above a horizontal place as described in Subtitle G § 305.2 in the MU-1 and MU-2 zones.~~

~~305.2 A horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purposes of measuring rear yards.~~

~~*305.3 A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 305.2.*~~

~~*305.4 Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.*~~

~~*305.5 Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.*~~

305 PENTHOUSES

305.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 305.1: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-11 MU-12	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-13	12 ft. except 18 ft. 6in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-14	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

305.2 In the MU-11 zone, penthouses less than ten feet (10 ft.) in height above a roof or parapet wall of a structure on Kingman Island shall not be subject to the requirements of ~~Subtitle G, Chapters 11 and 12~~ Subtitle C, Chapter 15 when the top of the penthouse is below the maximum building height prescribed for the MU-11 zone.

306 ~~SIDE YARD~~ [RESERVED]

~~306.1 No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).~~

~~306.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling.~~

~~306.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

~~**307 GREEN AREA RATIO (GAR)**~~

~~307.1 The minimum required GAR for the MU-1 and MU-2 zones shall be 0.3.~~

307 REAR YARD

307.1 Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.

307.2 A rear yard is required only for residential uses and shall be established no lower than the first level of residential use.

307.3 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-11, MU-12, MU-13, and MU-14 zones.

307.4 Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

307.5 Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

307.6 The Board of Zoning Adjustment may waive rear yard requirements as a special exception pursuant to Subtitle X, Chapter 9 and Subtitle G § 207.12.

~~**308 SPECIAL EXCEPTION**~~

~~308.1 Exceptions to the development standards of this chapter shall be permitted as a special exception, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 12.~~

308 SIDE YARD

308.1 Except as provided elsewhere in this title, the minimum side yard shall be as set forth in this section.

308.2 In the MU-11 zone, a side yard for any building or structure located in whole or in part on land, shall be no less than twelve feet (12 ft.).

308.3 No side yard shall be required in the MU-12, MU-13, and MU-14 zones. If a side yard is provided, its minimum width shall be at least eight feet (8 ft.).

308.4 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

309 [RESERVED]

310 LOT OCCUPANCY

310.1 The maximum permitted lot occupancy for a residential use shall be as set forth in the following table:

TABLE G § 310.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (%)
MU-11	25
MU-12	80
	80 (IZ)
MU-13	75
	75 (IZ)
MU-14	75
	80 (IZ)

310.2 Within the MU-11 zone, no building or portion of a building, including accessory buildings, shall occupy greater than twenty-five percent (25%) of the lot upon which it is located, provided that:

(a) The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%); and

(b) For the purposes of this section, the lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

310.3 In the MU-11, MU-12, MU-13 or MU-14 zone, a public recreation and community center shall not occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, provided that the agency shows that the increase is consistent with agency policy of preserving open space.

311 GREEN AREA RATIO (GAR)

311.1 The minimum required GAR for the MU-12, MU-13 and MU-14 zones shall be 0.3.

312 WATERFRONT SETBACK

312.1 In the MU-11, MU-12, MU-13 and MU-14 zones a waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.

312.2 In addition to the requirements of Subtitle C, Chapter 11, in the MU-11 zone, a waterfront setback of not less than one hundred feet (100 ft.) to any building or structure shall be provided.

313 SPECIAL EXCEPTION

313.1 Except for height and floor area ratio, exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to a demonstration by the applicant that conditions relating to the application for a special exception are not in conflict with the criteria of Subtitle C, Chapter 11.

Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10 AND MU-30, is proposed to be deleted in its entirety:

~~**CHAPTER 4** MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU30~~

~~**400 PURPOSE AND INTENT**~~

~~400.1 The MU-3 through MU-10 and the MU-30 zones are mixed-use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one (1) density designation.~~

~~*400.2 The MU-3 zones are intended to:*~~

~~(a) Permit low-density mixed-use development; and~~

~~(b) Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.~~

~~*400.3 The MU-4 zone is intended to:*~~

~~(c) Permit moderate-density mixed-use development;~~

~~(d) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and~~

~~(e) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.~~

~~*400.4 The MU-5 zones are intended to:*~~

(a) Permit medium-density, compact mixed-use development with an emphasis on residential use;
(b) Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core; and
(c) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.5 *The MU-6 zone is intended to:*
(a) Permit medium- to high-density mixed-use development with a focus on residential use; and
(b) Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core.

400.6 *The MU-7 zone is intended to:*
(a) Permit medium-density mixed-use development; and
(b) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.7 *The MU-8 zone is intended to:*
(a) Permit medium-density mixed-use development with a focus on employment;
(b) Be located in uptown locations, where a large component of development will be office-retail and other non-residential uses; and
(c) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.8 *The MU-9 zone is intended to:*
(a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and
(b) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.9 *The MU-10 zone is intended to:*
(a) Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;
(b) Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;
(c) Require a level of public space at the ground level; and
(d) Allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square.

400.10 The MU-30 zone is intended to:
(a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and
(b) Be located in or near the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area.

401 DEVELOPMENT STANDARDS

401.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.

402 DENSITY – FLOOR AREA RATIO (FAR)

402.1 The maximum permitted FAR in the MU-3 through MU-10 zones shall be as set forth in the following table:

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3A	1.0 1.2 (IZ)	1.0
MU-3B	2.0 2.4 (IZ)	1.5
MU-4	2.5 3.0 (IZ)	1.5
MU-5-A MU-5-B	3.5 4.2 (IZ)	1.5
MU-6	6.0 7.2 (IZ)	2.0
MU-7	4.0 4.8 (IZ)	2.5
MU-8	5.0 6.0 (IZ)	4.0
MU-9	6.5 7.8 (IZ)	6.5
MU-10	6.0 7.2 (IZ)	3.0

402.2 In the MU-4 and MU-5 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

402.3 In the MU-10 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle C Chapter 12. Both lots shall be located within the same square, and shall be zoned MU-10.

402.4 In the MU-30 zone, the maximum permitted FAR shall be as set forth in the following table:

TABLE G § 402.4: MAXIMUM PERMITTED FAR

MU-30 Zone Height	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
	8.5	8.5

Buildings erected to a height of one hundred ten feet (110 ft.) or less	10.2 (IZ)	
Buildings erected to a height in excess of one hundred ten feet (110 ft.) as permitted in Subtitle G § 403.2	10.0 12.0 (IZ)	10.0

403 HEIGHT

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3A	40	3
MU-3B	50	4
MU-4	50	N/A
MU-5-A	65 70 (IZ)	N/A
MU-5-B	75	N/A
MU-6	90 100(IZ)	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9 MU-10	90 100 (IZ)	N/A
MU-30	110	NA

403.2 In the MU-30 zone, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred ten feet (110 ft.) wide between building lines.

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3A MU-3B MU-4	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1;

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
		Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10 MU-30	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

404 LOT OCCUPANCY

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3A MU-3B	60
MU-4	60 75 (IZ)
MU-5-A MU-5-B	80
MU-6 MU-7	75 80 (IZ)
MU-8 MU-9	N/A
MU-10	75 80 (IZ)
MU-30	N/A

404.2 Notwithstanding Subtitle G § 404.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60 %) maximum lot occupancy for all residential and non-residential uses.

405 REAR YARD

405.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the MU-3 zone.

405.2 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-4, MU-5, and MU-6 zones.

405.3 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided in the MU-7, MU-8, MU-9, MU-10, and MU-30 zones.

405.4 In the MU-3 through MU-9 zones, a horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

405.5 In the MU-3 through MU-7 zones, rear yards shall be measured as follows:

(a) Where a lot abuts an alley:

(1) For that portion of the structure below a horizontal plane described in Subtitle G § 405.4 from the center line of the alley to the rear wall of the portion; and

(2) For that portion of the structure above the horizontal plane described in Subtitle G § 405.4, from the rear lot line to the rear wall of that portion immediately above the plane; and

(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

405.6 In the MU-8, MU-9, and MU-30 zones, rear yard shall be established subject to the following conditions:

(a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 405.4;

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

405.7 In the MU-10 zone, rear yards are required only for residential uses and shall be established subject to the following conditions:

(a) A rear yard shall be established no lower than the first level of residential use;

(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and

(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

406 SIDE YARD

406.1 No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

406.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached single dwelling unit or semi-detached single dwelling unit.

406.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.

407 GREEN AREA RATIO (GAR)

407.1 The minimum required GAR for the MU-3 through MU-6 zones shall be 0.3.

407.2 The minimum required GAR for the MU-7 and MU-8 zones shall be 0.25.

407.3 The minimum required GAR for the MU-9, MU-10, and MU-30 zones shall be 0.20.

408 PLAZA

408.1 In the MU-10 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.

408.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.

409 SPECIAL EXCEPTION

409.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle G, Chapter 12.

410 COMBINED LOT

410.1 The following combined lot development provision shall apply to the MU-10 zone only:

(a) The allowable residential and non-residential bulk of a MU-10 zone may be apportioned between two (2) or more lots in the same square, regardless of the limits on floor area; provided, that the aggregate residential and non-residential floor area may not exceed the zone limits;

(b) A covenant running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties and the District of Columbia government prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and

(c) For the purposes of this section, the term "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guest room areas and service areas within hotels.

411 TRANSITION SETBACK REQUIREMENTS

411.1 In the MU-3B zone the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone district:

(a) A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the 20-foot transition setback; and

(b) An additional upper-story transition setback of 10 feet minimum shall be provided above a building height of 40 feet, or top of third story.

411.2 Any required transition setback area shall not be used for loading.

411.3 A minimum of six feet (6 ft.) of the transition setback area, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:

(a) The trees shall be maintained in a healthy growing condition;

(b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval

~~according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.~~

~~411.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.~~

~~411.5 No residential communal outdoor recreation space shall be located within 50 feet of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.~~

Chapter 5, MIXED-USE ZONES – MU-11, MU-12, MU-13 AND MU-14 is proposed to be deleted in its entirety:

~~**CHAPTER 5 MIXED-USE ZONES – MU-11, MU-12, MU-13, AND MU-14**~~

~~**500 PURPOSE AND INTENT**~~

~~500.1 The MU-11 through MU-14 zones are mixed-use zones that are intended to be applied generally in the vicinity of the waterfront.~~

~~500.2 The MU-11 zone is intended to:~~

~~(a) Permit open space, park, and low-density and low-height waterfront-oriented retail and arts uses; and~~

~~(b) Be applied in undeveloped waterfront areas.~~

~~500.3 The MU-12 zone is intended to permit moderate-density mixed-use development generally in the vicinity of the waterfront.~~

~~500.4 The MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront.~~

~~500.5 The MU-14 zone is intended to permit high-density mixed-use development generally in the vicinity of the waterfront.~~

~~**501 DEVELOPMENT STANDARDS**~~

~~501.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~**502 DENSITY – FLOOR AREA RATIO (FAR)**~~

~~502.1 The maximum permitted FAR of buildings, incorporating the IZ bonus density authorized by Subtitle C § 1002.3, in the MU-11 through MU-14 zones shall be as set forth in the following table, except as provided in Subtitle G §§ 502.2 and 502.3:~~

~~**TABLE G § 502.1: MAXIMUM PERMITTED FLOOR AREA RATIO**~~

~~Zone~~	~~Maximum FAR~~	
	~~Total Permitted~~	~~Maximum Non-Residential Use~~
~~MU-11~~	~~0.5~~	~~0.5~~
~~MU-12~~	~~2.5~~ ~~3.0 (IZ)~~	~~1.0~~
~~MU-13~~	~~4.0~~	~~2.0~~
~~MU-14~~	~~6.0~~ ~~7.2 (IZ)~~	~~5.0~~

502.2 In the MU-11 through MU-14 zones, the guestroom areas and service areas within lodging uses may be charged against the "Total Permitted" floor area ratio.

502.3 In the MU-11 zone, the density on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75 FAR; and for the purposes of this subsection, FAR shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

503 HEIGHT

503.1 The maximum permitted building height, not including the penthouse, in the MU-11 through MU-14 zones shall be as set forth in the following table, except as provided in Subtitle G § 503.3:

TABLE G § 503.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
MU-11	40
MU-12	45 50 (IZ)
MU-13	60
MU-14	90 100 (IZ)

503.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 503.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-11 MU-12	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-13	12 ft. except 18 ft. 6in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-14	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

503.3 In the MU-11 zone, the following conditions apply:

(a) A building or structure located on, in, or over the water; or a watercraft, including a floating home shall have a maximum height of twenty-five feet (25 ft.). For the purposes of this subsection, the maximum height shall be measured from the mean high water level along the shore directly in front of the building, structure, or watercraft to the highest point of the building or structure, not including sailboat masts; and

(b) Penthouses less than ten feet (10 ft.) in height above a roof or parapet wall of a structure on Kingman Island shall not be subject to the requirements of Subtitle G, Chapters 11 and 12 of this subtitle when the top of the penthouse is below maximum building height prescribed for the MU-11 zone.

504 LOT OCCUPANCY

504.1 The maximum permitted lot occupancy for residential use of buildings in the MU-11 through MU-14 zones shall be as set forth in the following table:

TABLE G § 504.1: MAXIMUM PERMITTED LOT OCCPUANCY

Zone	Maximum Lot Occupancy for Residential Use (Percentage)
MU-11	25
MU-12	80
MU-13	75
MU-14	75 80 (IZ)

504.2 Within the MU-11 zone, no building or portion of a building, including accessory buildings, shall occupy greater than twenty-five percent (25%) of the lot upon which it is located, provided that:

(a) The lot occupancy on a lot used exclusively for a recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed fifty percent (50%); and

(b) For the purposes of this section, the lot occupancy shall be the total area occupied by all buildings and structures located on land and by any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

504.3 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10, shall not apply to the portion of the MU-13 zone in the Georgetown Historic District.

505 REAR YARD

505.1 Rear yard are required only for residential uses and shall be established no lower than the first level of residential use.

505.2 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-11, MU-12, MU-13, and MU-14 zones.

505.3 Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure.

505.4 Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

505.6 The Board of Zoning Adjustment may waive rear yard requirements pursuant to Subtitle X, Chapter 9 and Subtitle G, Chapter 12.

~~**506 SIDE YARD**~~

~~506.1 In the MU-11 zone, a side yard for any building or structure located in whole or in part on land, shall be no less than twelve feet (12 ft.).~~

~~506.2 No side yard shall be required in the MU-12, MU-13, and MU-14 zones. If a side yard is provided, its minimum width shall be at least eight (8) feet.~~

~~506.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

~~**507 GREEN AREA RATIO (GAR)**~~

~~507.1 The minimum required GAR for the MU-12 through MU-14 zones shall be 0.3.~~

~~**508 WATERFRONT SETBACK**~~

~~508.1 A waterfront setback shall be provided in accordance with the provisions of Subtitle C, Chapter 11.~~

~~508.2 In the MU-11 zone, a waterfront setback of not less than one hundred feet (100 ft.) to any building or structure shall be provided.~~

~~**509 SPECIAL EXCEPTION**~~

~~509.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to a demonstration by the applicant that conditions relating to the application for a special exception are not in conflict with the criteria of Subtitle C, Chapter 11.~~

CHAPTER 6 DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22 is proposed to be renumbered as Chapter 4 and renamed and amended to read as follows:

~~**CHAPTER 6 DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22 CHAPTER 4**~~

CHAPTER 4 DUPONT CIRCLE MIXED-USE ZONES –MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/DC AND MU-10/DC

~~**600**~~ **400 PURPOSE AND INTENT**

400.1 The development standards in Subtitle G, Chapter 2 shall apply to the MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/DC, and MU-10/DC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~600.1~~**400.2** ~~The~~ **In addition to the purposes of the MU zones, the** purposes of the Dupont Circle Mixed-Use zones ~~(MU-15 through MU-22)~~ are to:

(a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensure a general compatibility in the scale of new buildings with older, low-scale buildings;

(b) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development;

(c) Protect the integrity of "contributing buildings", as that term is defined by the Historic Landmark and Historic District Protection Act of 1978;

(d) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide;

(e) Enhance the streetscape by maintaining the public space in front of buildings as landscaped green spaces and limited curb cuts on Connecticut Avenue; and

(f) Encourage greater use of public transportation and the free circulation of vehicles through public streets and alleys.

~~600.2 The MU-15 zone is intended to permit moderate-density areas predominantly developed with residential buildings.~~

~~600.3 The MU-16 zone is intended to permit medium-density areas predominantly developed with residential buildings.~~

~~600.4 The MU-17 zone is intended to permit moderate-density mixed-use development.~~

~~600.5 The MU-18 zone is intended to permit medium-density, compact mixed-use development with an emphasis on residential development.~~

~~600.6 The MU-19 zone is intended to permit medium-density mixed-use development with a focus on residential use.~~

~~600.7 The MU-20 zone is intended to permit medium-density mixed-use development with a focus on employment.~~

~~600.8 The MU-21 zone is intended to permit high-density mixed-use development with a focus on employment.~~

~~600.9 The MU-22 zone is intended to permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.~~

~~600.10 No driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.~~

~~601~~ 401 ~~DEVELOPMENT STANDARDS~~ PLANNED UNIT DEVELOPMENT

~~601.1~~ **401.1** ~~The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~ **The matter-of-right building height, floor area ratio, and penthouse height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse height for a planned unit development.**

402 MISCELLANEOUS

402.1 No driveway providing access to required parking spaces or loading berths shall be permitted along Connecticut Avenue from N Street, N.W., to Florida Avenue, N.W.

~~602 DENSITY – FLOOR AREA RATIO (FAR)~~

~~602.1 The maximum permitted FAR of buildings in the MU-15 through MU-22 zones shall be as set forth in the following table:~~

~~TABLE G § 602.1: MAXIMUM PERMITTED FLOOR AREA RATIO~~

~~Zone~~	~~Maximum FAR~~	
	~~Total Permitted~~	~~Maximum Non-Residential Use~~
~~MU-15~~	~~4.0~~ ~~4.8 (IZ)~~	~~2.5~~
~~MU-16~~	~~6.0~~ ~~7.2 (IZ)~~	~~3.5~~
~~MU-17~~	~~2.5~~ ~~3.0 (IZ)~~	~~1.5~~
~~MU-18~~	~~3.5~~ ~~4.2 (IZ)~~	~~1.5~~
~~MU-19~~	~~6.0~~ ~~7.2 (IZ)~~	~~2.0~~
~~MU-20~~	~~5.0~~ ~~6.0 (IZ)~~	~~4.0~~
~~MU-21~~	~~6.5~~ ~~7.8 (IZ)~~	~~6.5~~
~~MU-22~~	~~6.0~~ ~~7.2 (IZ)~~	~~3.0~~

~~602.2 In the MU-17 and MU-18 zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.~~

~~602.3 In the MU-22 zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle G § 100.4. Both lots shall be located within the same square, and shall be zoned MU-22.~~

~~603 HEIGHT~~

~~603.1 The maximum permitted building height, not including the penthouse, in the MU-15 through MU-22 zones shall be as set forth in the following table:~~

~~TABLE G § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT~~

~~Zone~~	~~Maximum Height~~

	~~(Feet)~~
~~MU-15~~	~~65~~
	~~70 (IZ)~~
~~MU-16~~	~~90~~
~~MU-17~~	~~50~~
~~MU-18~~	~~65~~
	~~70 (IZ)~~
~~MU-19~~	~~90~~
~~MU-20~~	~~70~~
~~MU-21~~	~~90~~
~~MU-22~~	~~90~~
	~~100 (IZ)~~

~~603.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:~~

~~TABLE G § 603.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES~~

~~**Zone**~~	~~**Maximum Penthouse Height**~~	~~**Maximum Penthouse Stories**~~
~~MU-17,~~	~~12 ft. except 15 ft. for penthouse mechanical space~~	~~1; Second story permitted for penthouse mechanical space~~
~~MU-15 MU-18~~	~~12 ft. except 18 ft. 6 in. for penthouse mechanical space~~	~~1; Second story permitted for penthouse mechanical space~~
~~MU-20~~	~~20 ft.~~	~~1; Second story permitted for penthouse mechanical space~~
~~MU-16 MU-19 MU-21 MU-22~~	~~20 ft.~~	~~1 plus mezzanine; Second story permitted for penthouse mechanical space~~

~~604 LOT OCCUPANCY~~

~~604.1 The maximum permitted lot occupancy for residential use in the MU-15 through MU-22 zones shall be as set forth in the following table:~~

~~TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY~~

~~**Zone**~~	~~**Maximum Lot Occupancy for Residential Use**~~
~~MU-15~~	~~80%~~
~~MU-16~~	~~80%~~
	~~90% (IZ)~~
~~MU-17~~	~~60%~~
	~~75% (IZ)~~
~~MU-18~~	~~80%~~
~~MU-19~~	~~80%~~

~~Zone~~	~~Maximum Lot Occupancy for Residential Use~~
	~~90% (IZ)~~
~~MU-20~~	~~100%~~
~~MU-21~~	~~100%~~
~~MU-22~~	~~75%~~
	~~80% (IZ)~~

~~**605 REAR YARD**~~

~~605.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-15 and MU-16 zones.~~

~~605.2 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-17, MU-18, and MU-19 zones.~~

~~605.3 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be yard in the MU-20, MU-21, and MU-22 zones.~~

~~605.4 In the MU-15 and MU-16 zones, rear yards shall be measured as follows:~~

~~(a) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~

~~(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~605.5 In the MU-17 through MU-21 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yard.~~

~~605.6 In the MU-17 through MU-19 zones, rear yards shall be measured as follows:~~

~~(a) Where a lot abuts an alley:~~

~~(1) For that portion of the structure below a horizontal plane described in Subtitle G § 605.5 from the center line of the alley to the rear wall of the portion; and~~

~~(2) For that portion of the structure above the horizontal plane described in Subtitle G § 605.5, from the rear lot line to the rear wall of that portion immediately above the plane; and~~

~~(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~605.7 In the MU-20 and MU-21 zones, rear yards shall be established subject to the following conditions:~~

~~(a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 605.5;~~

~~(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~

~~(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~605.8 In the MU-22 zone, rear yards are required only for residential uses and shall be established subject to the following conditions:~~

~~(a) A rear yard shall be established no lower than the first level of residential use;~~

~~(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~

~~(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~**606 SIDE YARD**~~

~~606.1 In the MU-15, MU-16, and MU-22 zones, no side yard is required; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).~~

~~606.2 In the MU-17, MU-18, MU-19, MU-20, and MU-21 zones, no side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).~~

~~606.3 A side yard for a detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).~~

~~606.4 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

~~**607 GREEN AREA RATIO (GAR)**~~

~~607.1 The minimum required GAR for the MU-15 through MU-19 zones shall be 0.3.~~

~~607.2 The minimum required GAR for the MU-20 and MU-21 zones shall be 0.2.~~

~~607.3 The minimum required GAR for the MU-22 zone shall be 0.2.~~

~~**608 PLAZA**~~

~~608.1 Within the MU-22 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.~~

~~608.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.~~

~~**609 SPECIAL EXCEPTION**~~

~~609.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-15 through MU-22 zones.~~

Chapter 7 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES – MU-23, MU-24, MU-25, AND MU-26 is proposed to be renumbered as Chapter 5 and renamed and amended to read as follows:

~~**CHAPTER 7 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-23, MU-24, MU-25 AND MU-26**~~

CHAPTER 5 CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES - MU-2/CAP, MU-4/CAP, MU-4/CHC, AND MU-4/CAP/CHC

~~700~~ **500** **PURPOSE AND INTENT**

500.1 **The development standards in Subtitle G, Chapter 2 shall apply to the MU-2/CAP, MU-4/CAP, MU-4/CHC, and MU-4/CAP/CHC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

~~700.1~~ **500.2** ~~The~~ **In addition to the purposes of the MU zones, the** purposes of the Capitol Interest Mixed-Use zones ~~(MU-23, MU-24 and MU-26)~~ (**MU-2/CAP, MU-4/CAP, MU-4/CAP/CHC**) are to:

(a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;

(b) Respect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;

(c) Provide particular controls adjacent to properties having a well-recognized general public interest; and

(d) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or district to be protected.

~~700.2 The MU-23 zone is intended to permit medium-density areas predominantly developed with residential buildings consistent with the purposes of Subtitle G § 700.1.~~

~~700.3 The MU-24 zone is intended to permit moderate-density mixed-use development consistent with the purposes of Subtitle G § 700.1.~~

~~700.4~~ **500.3** **In addition to the purposes of the MU zone, the purposes of the** ~~The~~ Capitol Hill Commercial Mixed-Use zones ~~include the MU-25 and MU-26~~ **(MU-4/CHC and MU-4/CAP/CHC)** ~~zones and~~ are ~~intended~~ to:

(a) Encourage the adaptive use and reuse of existing buildings, many of which are located in the Capitol Hill Historic District, particularly with respect to the portions of the buildings that exceed the commercial floor area ratio permitted in the underlying zone districts;

(b) Concentrate non-residential uses in commercial zone districts in certain areas of Capitol Hill, thereby enhancing and protecting the residential

character of the areas surrounding the commercial zone districts and relieving pressure to use properties zoned residential for commercial uses; and

(c) Provide appropriate incentives for new infill construction that is compatible with the Capitol Hill Historic District and its predominance of low-scale row house structures.

~~700.5 The MU-25 zone is intended to permit moderate-density mixed-use development consistent with the purpose of Subtitle G § 700.4.~~

~~700.6 The MU-26 zone is intended to permit moderate-density mixed-use development consistent with the purposes of Subtitle G §§ 700.1 and 700.4.~~

~~**701 DEVELOPMENT STANDARDS**~~

~~701.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~702~~ 501 DENSITY ~~– FLOOR AREA RATIO (FAR)~~

702.1 **501.1** The maximum permitted FAR of buildings in the ~~MU-23 through MU-26~~ **MU-2/CAP, MU-4/CAP, MU-4/CHC and MU-4/CAP/CHC** zones shall be as set forth in the following table:

TABLE G § ~~702.1~~ 501.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
~~MU-23~~ **MU-2/CAP**	1.8	**1.8** ~~N/A~~
	2.16 (IZ)	
~~MU-24~~ **MU-4/CAP**	1.8	1.5
	2.16 (IZ)	
~~MU-25~~ **MU-4/CHC**	3.0	3.0
	3.0 (IZ)	
~~MU-26~~ **MU-4/CAP/CHC**	2.5	2.5
	2.5 (IZ)	

~~702.2~~ **501.2** In the ~~MU-24~~ **MU-4/CAP** zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 1.8 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

~~702.3~~ **501.3** In the ~~MU-25 and MU-26~~ **MU-4/CHC and MU-4/CAP/CHC** zones, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

~~703~~ 502 HEIGHT

~~703.1~~ **502.1** The maximum building height, not including the penthouse, in the ~~MU-23, MU-24, and MU-26~~ **MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC** zones shall be forty feet (40 ft.) and three (3) stories.

~~703.2 The maximum height in the MU-25 zone shall be fifty feet (50 ft.).~~

503 PENTHOUSES

~~703.3~~ **503.1** ~~The~~**In the MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC zones, the** maximum permitted height of a penthouse, except as prohibited on the roof of a ~~detached dwelling, semi-detached dwelling, rowhouse~~ **single household dwelling** or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.), and the maximum number of stories within the penthouse shall be one (1) ~~in the MU-23, MU-24, and MU-26 zones~~.

~~703.4 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.), except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space in the MU-25 zone.~~

~~704 LOT OCCUPANCY~~

~~704.1 The maximum permitted lot occupancy for residential use in the MU-23 through MU-26 zones shall be as set forth in the following table:~~

~~TABLE G § 704.1~~ 504.1: MAXIMUM PERMITTED LOT OCCUPANCY

~~Zone~~	~~Maximum Lot Occupancy for Residential Use~~
~~MU-23~~	~~80%~~ ~~90% (IZ)~~
~~MU-24~~ ~~MU-25~~ ~~MU-26~~	~~60%~~ ~~75% (IZ)~~

~~705 REAR YARD~~

~~705.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the MU-23 zone.~~

~~705.2 In the MU-23 zone, rear yards shall be measured as follows:~~

~~(a) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~

~~(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~705.3 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-24 through MU-26 zones.~~

~~705.4 In the MU-24 through MU-26 zones, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.~~

~~705.5 In the MU-24 through MU-26 zones, rear yards shall be measured as follows:~~

~~(a) Where a lot abuts an alley:~~

~~(1) For that portion of the structure below a horizontal plane described in Subtitle G § 705.4 from the center line of the alley to the rear wall of the portion; and~~

~~(2) For that portion of the structure above the horizontal plane described in Subtitle G § 705.4, from the rear lot line to the rear wall of that portion immediately above the plane; and~~

~~(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~**706 SIDE YARD**~~

~~706.1 No side yard is required for a principal building other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than five feet (5 ft.).~~

~~706.2 A side yard for a detached single dwelling unit or semi-detached single dwelling unit shall be a minimum of eight feet (8 ft.).~~

~~706.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

~~**707 GREEN AREA RATIO (GAR)**~~

~~707.1 The minimum required GAR for the MU-23 through MU-26 zones shall be 0.3.~~

708 504 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST MIXED USE ZONE (CAP)

~~708.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-23 through MU-26 zones.~~

~~708.2~~ **504.1** In addition to the special exception criteria of Subtitle G, ~~Chapter 12~~ **Chapter 52**, and Subtitle X**, Chapter 9** any special exception application in the ~~MU-23, MU-24, or MU-26~~ **MU-2/CAP, MU-4/CAP and MU-4/CAP/CHC** zone shall be subject to the following conditions in addition to any conditions relative to the specific special exception:

(a) Compatible with the present and proposed development of the neighborhood;

(b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and

(c) In accordance with the plan promulgated under the Act.

~~708.3~~ **504.2** Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact

assessment, along with reviews in writing of all relevant District departments and agencies, including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.

~~708.4~~ **504.3** Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.

~~708.5~~ **504.4** The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

Chapter 8 NAVAL OBSERVATORY MIXED-USE ZONE – MU-27 is proposed to be renumbered as Chapter 6 and renamed and amended to read as follows:

~~**CHAPTER 8 NAVAL OBSERVATORY MIXED-USE ZONE MU-27**~~

CHAPTER 6 NAVAL OBSERVATORY MIXED-USE ZONE - MU-4/NO

~~**800**~~ **600** **PURPOSE AND INTENT**

600.1 The development standards in Subtitle G, Chapter 2 shall apply to the MU-4/NO zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

600.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-4/NO zone.

~~800.1~~ **600.3** ~~The~~ **In addition to the purposes of the MU zones, the** purposes of the Naval Observatory Mixed-Use zone (~~MU-27~~ **MU-4/NO**) are to**:**

~~(a) Permit moderate-density mixed-use development;~~

~~(b)~~ **(a)** Promote the public health, safety, and general welfare on land adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory, in keeping with the goals and policies of the Federal and District elements of the Comprehensive Plan and the adopted Master Plan for that facility;

~~(c)~~ **(b)** Ensure that public land within the zone shall be used in a manner consistent with the historic or ceremonial importance and special mission of the Naval Observatory;

~~(d)~~ **(c)** Reflect the importance of the Naval Observatory to the District of Columbia and the Nation;

~~(e)~~ **(d)** Reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the zone; and

~~(f)~~ **(e)** Provide additional controls on private land, in order to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President's residence**.**

~~(g) The MU-27 zone is intended to permit moderate-density mixed-use development.~~

~~801~~ 601 PLANNED UNIT DEVELOPMENT ~~DEVELOPMENT~~ **~~STANDARDS~~**

~~801.2~~ **601.1** The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the **~~MU-27~~ MU-4/NO** zone to exceed either the limits of Subtitle G § ~~802.2~~ **602** or the area, bulk, and yard standards that apply as a matter of right in the **~~MU-27~~ MU-4/NO** zone.

~~The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~**802 DENSITY – FLOOR AREA RATIO (FAR)**~~

~~802.1 The maximum permitted FAR in the MU-27 zone shall be 2.5 FAR with a maximum density of 1.5 FAR for non-residential use.~~

~~802.3 In the MU-27 zone, an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.~~

~~803~~ 602 HEIGHT

~~803.1~~ **602.1** The maximum permitted building height, not including the penthouse, in the **~~MU-27~~ MU-4/NO** zone shall be forty feet (40 ft.), measured as follows:

(a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and

(b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

~~803.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).~~

~~803.3 A penthouse permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.~~

603 PENTHOUSES

603.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).

603.2 A penthouse permitted shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.

~~**804 LOT OCCUPANCY**~~

~~804.1 The maximum permitted lot occupancy for residential use in the MU-2 7 zone shall be sixty percent (60%).~~

~~804.2 Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements and modifications of Subtitle C, Chapter 10 shall not apply to the MU-27 zone.~~

604 SPECIAL EXCEPTION NAVAL OBSERVATORY ZONES (NO)

604.1 In consideration of a special exception in the ~~MU-27~~ MU-4/NO zone, in addition to any other criteria of this title, the following conditions shall apply:

(a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:

(1) Present and proposed development within and adjacent to the ~~MU-27~~ MU-4/NO zone;

(2) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the ~~MU-27~~ MU-4/NO zone; and

(3) Role, mission, and functions of the Federal facilities within the ~~MU-27~~ MU-4/NO zone, considering the effect that the proposed development would have on such facilities;

(b) Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing

from all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office;

(c) Upon receipt of the application, the Board of Zoning Adjustment shall refer the application upon receipt to the National Capital Planning Commission for review and report; and

(d) The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

~~**805 REAR YARD**~~

805.1 ~~A minimum rear yard of fifteen feet (15 ft.) shall be provided in the MU-27 zone.~~

~~805.2 A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.~~

~~805.3 Rear yards shall be measured as follows:~~

~~(a) Where a lot abuts an alley:~~

~~(1) For that portion of the structure below a horizontal plane described in Subtitle G § 805.2 from the center line of the alley to the rear wall of the portion; and~~

~~(2) For that portion of the structure above the horizontal plane described in Subtitle G § 805.2, from the rear lot line to the rear wall of that portion immediately above the plane; and~~

~~(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~**806 SIDE YARD**~~

~~806.1 No side yard is required for a principal building other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).~~

~~806.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached single dwelling unit or semi-detached single dwelling unit.~~

~~806.3 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

Chapter 9, FORT TOTTEN MIXED-USE ZONES – MU-28 AND MU-29 is proposed to be renumbered as Chapter 7 and renamed and amended to read as follows:

~~**CHAPTER 9 FORT TOTTEN MIXED-USE ZONE - MU-28 AND MU-29**~~
CHAPTER 7 FORT TOTTEN MIXED-USE ZONE - MU-7/FT AND MU-10/FT

~~**900**~~ **700 PURPOSE AND INTENT**

700.1 The development standards in Subtitle G, Chapter 2 shall apply to the MU-7/FT AND MU-10/FT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

~~900.1~~ **700.2** ~~The~~ **In addition to the purposes of the MU zones, the** purposes of the Fort Totten Mixed-Use zones (~~MU-28 and MU-29~~ **MU-7/FT and MU-10/FT**) are to:

(a) Encourage future residential and commercial development while enabling existing industries to remain in the District; and

(b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards.

~~900.2 The MU-28 zone is intended to permit medium-density mixed-use development with a focus on employment.~~

~~900.3 The MU-29 zone is intended to permit medium- to high-density development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.~~

~~**901 DEVELOPMENT STANDARDS**~~

~~901.1 The development standards of this chapter modify the general development standards in Subtitle G, Chapter 2.~~

~~902~~ 701 DENSITY ~~– FLOOR AREA RATIO (FAR)~~

~~902.1~~ **701.1** The maximum permitted FAR of buildings in the ~~MU-28 and MU-29~~ **MU-7/FT and MU-10/FT** zones shall be as set forth in the following table:

TABLE G § ~~902.1~~ 701.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
~~MU-28~~ **MU-7/FT**	4.0	2.5
	4.8 (IZ)	
~~MU-29~~ **MU-10/FT**	5.0	3.0
	6.0 (IZ)	

~~902.2~~ **701.2** Density may be increased in the ~~MU-28~~**MU-7/FT** and ~~MU-29~~**MU-10/FT** zones in an existing building on a lot with an area ten thousand square feet (10,000 sq. ft.) or less, and it may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.

~~902.3~~ **701.3** In the ~~MU-29~~ **MU-10/FT** zone, combined lot development is permitted for the purposes of allocating gross floor area devoted to residential and non-residential uses in accordance with the provisions of Subtitle ~~G § 100.4~~ **G § 214**. Both lots shall be located within the same square and shall be zoned ~~MU-29~~ **MU-10/FT.**

~~903~~ 702 HEIGHT

~~903.1~~ **702.1** The maximum building height, not including the penthouse, in the ~~MU-28 and MU-29~~ **MU-7/FT and MU-10/FT** zones shall be as set forth in the following table:

TABLE G § ~~903.1~~ 702.1: MAXIMUM BUILDING HEIGHT

Zone	Maximum Height Not Including the Penthouse (ft.)
~~MU-28~~ **MU-7/FT**	65
	65 (IZ)
~~MU-29~~ **MU-10/FT**	80
	90 (IZ)

703 PENTHOUSES

~~903.2~~ **703.1** The maximum permitted height of a penthouse, except as prohibited on the roof of a ~~detached dwelling, semi-detached dwelling, rowhouse,~~ **single household dwelling** or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § ~~903.2~~ 703.1: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
~~MU-28~~ **MU-7/FT**	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
~~MU-29~~ **MU-10/FT**	A penthouse shall be included within the maximum permitted building height	1

~~903.3~~ **703.2** Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing, and design consideration of

roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.

~~903.4~~ **703.3** The Office of Planning shall review and provide a report with recommendation to the Zoning Administrator prior to the issuance of a building permit.

~~904~~ 704 LOT OCCUPANCY

~~904.1~~**704.1** The maximum permitted lot occupancy for residential use in the ~~MU-28~~ **MU-7/FT** and ~~MU-29~~ **MU-10/FT** zones shall be as set forth in the following table:

TABLE G § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use (Percentage)
~~MU-28~~ **MU-7/FT**	75
	80 (IZ)
~~MU-29~~ **MU-10/FT**	75
	75 (IZ)

~~**905 REAR YARD**~~

~~905.1 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided in the MU-28 and MU-29 zones.~~

~~905.2 In the MU-28 zone, a horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.~~

~~905.3 In the MU-28 zone, rear yards shall be measured as follows:~~

~~(a) Where a lot abuts an alley:~~

~~**(1)** For that portion of the structure below a horizontal plane described in Subtitle G § 905.2 from the center line of the alley to the rear wall of the portion; and~~

~~**(2)** For that portion of the structure above the horizontal plane described in Subtitle G § 905.2, from the rear lot line to the rear wall of that portion immediately above the plane; and~~

~~(b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~905.4 In the MU-29 zone, rear yards are required only for residential uses and shall be established subject to the following conditions:~~

~~(a) A rear yard shall be established no lower than the first level of residential use;~~

~~(b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and~~

~~(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.~~

~~**906 SIDE YARD**~~

~~906.1 No side yard is required for a principal building; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).~~

~~906.2 Any portion of a building set back from the side lot line shall be considered a side yard and not a court.~~

~~**907 GREEN AREA RATIO (GAR)**~~

~~907.1 The minimum required GAR shall be 0.25 for the MU-28 zone and 0.2 for the MU-29 zone.~~

~~908~~ 705 SETBACKS AND SCREENING

~~908.1~~ **705.1** A business or industrial use that expands consistent with the development standards of this chapter shall comply with the setback and screening standards.

~~908.2~~ **705.2** If the lot line of the lot being developed coincides with the lot line of a property in a residential zone, or is separated only by a street or alley from a property in a residential zone, where the property is not owned by a business or industrial user, and the property is not being used for residential purposes, the following standards shall apply:

(a) A setback of twenty-five feet (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; provided, that the following requirements are met:

~~(a)~~ (1) Where there is a street or an alley between the residential lot and the lot subject to the ~~MU-28~~ MU-7/FT, PDR-6, or PDR-7 zones, the required setback shall be fifteen feet (15 ft.) measured from the lot line;

~~(b)~~ (2) The yard shall not be used for parking, loading, or accessory uses;

~~(c)~~ (3) The yard shall be landscaped with evergreen trees in a healthy growing condition which shall be a minimum of six feet to eight feet (6 ft. to 8 ft.) in height when planted; and

~~(d)~~ (4) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top soil and drainage mechanisms as necessary; and

(b) A fence or wall shall be erected as a buffer between the residential lot(s) not owned by a business or industrial user that abut a lot affected by this zone; provided, that the fence or wall shall be no less than eight feet (8 ft.) and no more than ten feet (10 ft.) in height, and shall be either a solid, wood, board-on-board fence, or a brick or stone wall.

~~**909 PLAZA**~~

~~909.1 Within the MU-29 zone, a plaza comprising eight percent (8%) of the lot area shall be provided for development on a lot of greater than ten thousand square feet (10,000 sq. ft.), in accordance with the provisions of Subtitle C, Chapter 17.~~

~~909.2 Where preferred use space is required under this chapter and provided, the requirement to provide plaza space shall not apply.~~

~~**910 SPECIAL EXCEPTION**~~

~~910.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all the MU-28 and MU-29 zones.~~

New Chapter 8, REED-COOKE MIXED USE ZONES – MU-4/RC AND MU-5A/RC is proposed to be added and to read as follows:

CHAPTER 8 REED-COOKE MIXED-USE ZONES - MU-4/RC AND MU-5A/RC

800 PURPOSE AND INTENT

800.1 The development standards in Subtitle G, Chapter 2 shall apply to the MU-4/RC and MU-5A/RC zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

800.2 In addition to the purposes of the MU zones, the purposes of the Reed-Cooke Mixed-Use zones are to:

(a) Protect current housing and provide for the development of new housing;

(b) Maintain heights and densities at appropriate levels;

(c) Encourage small-scale business development that will not adversely affect the residential community;

(d) Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams Morgan community;

(e) Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and

(f) Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building, located on Lot 872 of Square 2560, through a planned unit development process.

801 MISCELLANEOUS

801.1 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to:

(a) All new construction;

(b) All additions, alterations, or repairs that, within any eighteen (18) month period, exceed in cost fifty percent (50%) of the assessed value of the structure as set forth in the records of the Office of Tax and Revenue on the date of the application for a building permit;

(c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and

(d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

801.2 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to Subtitle G § 801.1(b), the cost shall be determined by the average of the estimates furnished by three (3) independent qualified contractors selected in the following manner:

(a) The first shall be selected by the owner;

(b) The second shall be selected by the Zoning Administrator; and

(c) The third shall be selected by the first two (2) contractors.

801.3 The estimates provided for by Subtitle G § 801.2 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator.

801.4 The cost of estimates shall be at the expense of the property owner.

802 HEIGHT

802.1 The maximum permitted building height, not including the penthouse, in the MU-4/RC and MU-5A/RC zones shall be as set forth in the following table:

TABLE G § 802.1: MAXIMUM BUILDING HEIGHT AND STORIES

Zone	Maximum Height Not Including Penthouse (ft.)	Maximum Number of Stories
MU-4/RC	40	N/A
MU-5A/RC	40 50 (IZ)	N/A

802.2 In the ~~RC-3~~ MU-5A/RC zone, a building shall be permitted a maximum height of fifty feet (50 ft.), not including the penthouse, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to low and moderate income household units, as defined in Subtitle B, Chapter 2.

803 PENTHOUSES

803.1 The maximum permitted height of a penthouse, except as prohibited on the roof of a single household dwelling or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 803.1: MAXIMUM PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
~~RC-2~~ MU-4/RC	12 ft. except 15 ft. for penthouse mechanical space	1
~~RC-3~~ MU-5A/RC	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space

804 PLANNED UNIT DEVELOPMENTS

804.1 The provisions of Subtitle X, Chapter 3 shall not operate to permit a planned unit development in the RC zones to exceed the floor area ratio standards of Subtitle G § 201 and the height standards of Subtitle G § 802.

804.2 Notwithstanding Subtitle G § 804.1, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed seventy-two feet (72 ft.) measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

805 RELIEF FROM DEVELOPMENT STANDARDS (RC)

805.1 An exception from the requirements of ~~this chapter~~ the Reed Cooke (RC) zones shall be permitted by special exception if approved by the Board of Zoning Adjustment under Subtitle X, and subject to the following conditions:

(a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the RC zones;

(b) Vehicular ingress and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

(c) Adequate off-street parking shall be provided for employees and for trucks and other service vehicles;

(d) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;

(e) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

(f) If located within a MU-5A/RC zone, the use shall not be within twenty-five feet (25 ft.) of a residentially zoned property, unless separated there from by a street or alley.

805.2 The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

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

~~CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR MU ZONES~~

~~**1000 GENERAL PROVISIONS**~~

~~1000.1 Public education buildings and structures, public recreation and community centers, or public libraries in the MU zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~

~~1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the buildings or structures is proposed.~~

Chapters 9 through 48 are reserved as follows:

CHAPTER 9 through 48 [RESERVED]

Subsection 4902.1 of § 4902, DENSITY, of CHAPTER 49, PUBLIC SCHOOLS, is proposed to be amended to read as follows:

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

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

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

Chapter 50 is reserved as follows:

CHAPTER 50 [RESERVED]

CHAPTER 11 ALLEY LOT REGULATIONS FOR MU ZONES is proposed to be renumbered as Chapter 51 and amended to read as follows:

CHAPTER ~~11~~ 51 ALLEY LOT REGULATIONS FOR MU ZONES

[*ZC CASE 19-13 ALLEY LOT PENDING*]

~~1100~~ 5100 GENERAL PROVISIONS

~~1100.1~~ **5100.1** All alley lots must be recorded in the records of the Office of the Surveyor, District of Columbia, as a record lot.

~~1100.2~~ **5100.2** New alley lots may be created as provided in Subtitle C, Chapter 3.

~~1101~~ 5101 DEVELOPMENT STANDARDS

~~1101.1~~ **5101.1** The development standards in Subtitle G §§ 1102 through 1106 shall apply to buildings on alley lots in MU zones.

~~1102~~ 5102 HEIGHT

~~1102.1~~ **5102.1** The maximum height and stories of the building in MU-6, MU-8, MU-9, MU-10, ~~MU-19, MU-20, MU-21, MU-22, and MU-29~~ zones shall be thirty feet (30 ft.) and three (3) stories, including the penthouse.

~~1102.2~~ **5102.2** The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

~~1103~~ 5103 REAR YARD

~~1103.1~~ **5103.1** A minimum rear yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

~~1104~~ 5104 SIDE YARD

~~1104.1~~ **5104.1** A minimum side yard of five feet (5 ft.) shall be provided from any lot line of all abutting non-alley lots.

~~1105~~ 5105 ALLEY CENTERLINE SETBACK

~~1105.1~~ **5105.1** A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

~~1106~~ 5106 GREEN AREA RATIO (GAR)

~~1106.1~~ **5106.1** The minimum required GAR shall be as required by the zone.

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS (MU ZONES) is proposed to be renumbered as Chapter 52 and amended to read as follows:

CHAPTER ~~12~~ 52 RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (MU ZONES) [ZC CASE 19-14 NONCONFORMING STRUCTURES PENDING]

~~1200~~ 5200 GENERAL PROVISIONS

~~1200.1~~ **5200.1** The Board of Zoning Adjustment may grant ~~special exception~~ relief to the development standards of this subtitle, except for height and FAR limitations, subject to any applicable conditions of this chapter.

~~1200.2~~ **5200.2** As set forth in this chapter, specific conditions or criteria may be applicable in the consideration of relief and shall be considered in combination with the conditions of Subtitle X, Chapter 9.

~~1200.3~~ **5200.3** Requested relief that does not comply with the applicable conditions or limitations for a special exception as set out in this subtitle shall be processed as a variance.

~~1200.4~~ **5200.4** Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of this subtitle where, in the judgment of the Board, the special exception:

(a) Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;

(b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and

(c) Is subject in each case to any applicable conditions specified in this chapter.

~~**1201 SPECIAL EXCEPTION CRITERIA REAR YARD RELIEF**~~

~~1201.1 The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided:~~

~~(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;~~

~~(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;~~

~~(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;~~

~~(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and~~

~~(e) Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.~~

~~**1202 SPECIAL EXCEPTION CRITERIA NAVAL OBSERVATORY ZONES (MU-27 MU-4/NO)**~~

~~1202.1 In consideration of a special exception in the MU-27 zone, in addition to any other criteria of this title, the following conditions shall apply:~~

~~(a) The Board of Zoning Adjustment shall consider whether the proposed development is compatible with the:~~

~~(1) Present and proposed development within and adjacent to the MU-27 zone;~~

~~(2) Goals, objectives, and policies pertaining to Federal facilities, as found in the Comprehensive Plan and the Master Plans for the Federal facilities within the MU-27 zone; and~~

~~(3) Role, mission, and functions of the Federal facilities within the MU-27 zone, considering the effect that the proposed development would have on such facilities;~~

~~(b) Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing from all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office;~~

~~(c) Upon receipt of the application, the Board of Zoning Adjustment shall refer the application upon receipt to the National Capital Planning Commission for review and report; and~~

~~(d) The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.~~

II. Proposed amendments to Subtitle C, GENERAL RULES

CHAPTER 16, PUBLIC EDUCATION, RECREATION OR LIBRARY BUILDINGS OR STRUCTURES, is proposed to be deleted in its entirety.
[ZC CASE 19-27 REORGANIZATION OF 11 DCMR TEXT - PENDING]

III. Proposed amendments to Subtitle K, SPECIAL PURPOSE ZONES

CHAPTER 7, REED-COOKE ZONES is proposed to be deleted in its entirety.
[ZC CASE 19-27 REORGANIZATION OF 11 DCMR TEXT - PENDING]

IV. Proposed amendments to Subtitle U, USES

Section 401, MATTER OF RIGHT USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by adding a new subsection 401.3 to read as follows:

401 MATTER-OF-RIGHT USES (RA)

401.3 In the RA-2/RC zone, the uses of this section shall be permitted as a matter-of-right unless not permitted in Subtitle U § 514.2.

Section 410, ACCESSORY USES (RA), of CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended by adding a new subsection 410.2 to read as follows:

410 ACCESSORY USES (RA)

410.1 . . .

410.2 In the RA-2/RC zone a drive-through accessory to any use shall not be permitted.

Subsection 420.1 of § 420 SPECIAL EXCEPTION USES (RA), of **CHAPTER 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES,** is proposed to be amended by adding a new subsection 420.1 (j) to read as follows:

420 SPECIAL EXCEPTION USES (RA)

420.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) . . .

(h) . . .

(4) Before taking final action on an application for the use, the Board of Zoning Adjustment shall submit the application to the D.C. Department of Transportation for review and report; ~~and~~

(i) In the RA-1 and RA-6 zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1(f), except for 203.1(f)(3)~~.~~**; and**

(j) In the RA-2/RC zone, the uses of this section shall be permitted as a special exception unless not permitted in Subtitle U §514.2.

Section 512, MATTER OF RIGHT USES (MU), of CHAPTER 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new subsection 512.2 to read as follows:

512 MATTER-OF-RIGHT USES (MU – USE GROUP E)

512.1 . . .

512.2 In the MU-4/RC and MU-5A/RC zones, the uses of this section shall be permitted as a matter-of-right unless not permitted in Subtitle U §514.2.

Section 513, SPECIAL EXCEPTION USES (MU), of CHAPTER 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new subsection 513.2 to read as follows:

513 SPECIAL EXCEPTION USES (MU – USE GROUP E)

513.1 . . .

513.2 In the MU-4/RC and MU-5A/RC zones, the uses of this section shall be permitted as a special exception unless not permitted in Subtitle U §514.2.

Section 514, PROHIBITED USES (MU-USE GROUP E), of CHAPTER 5, USE PERMISSIONS MIXED USE (MU) ZONES, is proposed to be amended by adding a new subsection 514.2 to read as follows:

514 PROHIBITED USES (MU – USE GROUP E)

514.1 . . .

514.2 In the RC zones, the following uses shall not be permitted either as a matter-of-right or by special exception:

(a) Antenna tower in excess of twenty feet (20 ft.) in height;

(b) Any use not permitted in the MU-10 zone, except a parking lot as permitted by Subtitle U § 203.1 (j);

(c) Assembly hall, auditorium, or public hall;

(d) Automobile laundry;

(e) Automobile or truck sales;

(f) Automobile rental agency that stores or services automobiles within an RC zone;

(g) Bar or cocktail lounge;

(h) Billiard parlor or pool hall;

(i) Boat or other marine sales;

(j) Bowling alley;

(k) Bus passenger depot;

(l) Drive-through;

(m) Funeral mortuary or other similar establishment;

(n) Gasoline service station or repair garage;

(o) Hotel;

(p) Motorcycle sales or repair;

(q) Movie theater;

(r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area;

(s) On-premises dry cleaning establishment;

(t) Parcel delivery service establishment other than one exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on April 26, 1991;

(u) Restaurant or fast food establishment;

(v) Satellite reception dish greater than fifteen feet (15 ft.) in diameter;

(w) Transient accommodations that are not home occupations;

(x) Veterinary hospital; and

(y) Video game parlor.

(ZC Case No. 19-27A Subtitle H)

PROPOSED TEXT AMENDMENT
The proposed amendments to the text of the Zoning Regulations are as follows: (text to be deleted is shown with a ~~strikethrough~~ and new text is shown in **bold and underlined**):

II. Subtitle H, NEIGHBORHOOD MIXED USE ZONES, is proposed to be amended as follows:

CHAPTER 1, INTRODUCTION TO MIXED-USE (NC) ZONES, IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

CHAPTER 2 INTRODUCTION TO NEIGHBORHOOD MIXED-USE ~~(NC)~~ ZONES

100 GENERAL PROVISIONS

200.1 ~~The Neighborhood Mixed-Use zones (NC-1 though NC-17) are designed to provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas.~~
Subtitle H is to be read and applied in addition to the regulations included in:

(a) **Subtitle A, Authority and Applicability;**

(b) **Subtitle B, Definitions, Rules of Measurement, and Use Categories;**

(c) **Subtitle C, General Rules;**

(d) **Subtitle G, Mixed-Use Zones; and**

(e) **Subtitle U, Use Permissions.**

200.2 The zone boundaries are described in Subtitle W, Specific Zone Boundaries and identified on the official Zoning Map.

~~100.3 In addition to the purpose statements of each individual chapter, the purposes of the NC zones are to:~~

~~(a) Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;~~

~~(b) Encourage safe and efficient conditions for pedestrian and motor vehicle movement;~~

~~(c) Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;~~

~~(d) Encourage a general compatibility in scale between new and older buildings;~~

~~(e) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;~~

~~(f) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement;~~

~~(g) Identify designated roadways within NC zones with limitations on driveways and curb cuts; and~~

(h) ~~Identify designated use areas within NC zones within which use restriction shall apply to the ground floor.~~

101 ~~DEVELOPMENT STANDARDS~~ PURPOSE AND INTENT

101.1 The Neighborhood Mixed-Use zones are designed to provide for stable mixed-use areas permitting a range of commercial and multiple dwelling unit residential development in defined neighborhood commercial areas. ~~The bulk of structures in the NC zones shall be controlled through the combined general development standards of this subtitle, the zone-specific development standards of this subtitle, and the requirements and standards of Subtitle C.~~

~~101.2 The development standards are intended to:~~

~~(a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~

~~(b) Control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards and the relationship of buildings to street lot lines;~~

~~(c) Regulate the mixture of uses; and~~

~~(d) Ensure the environmental performance of development.~~

101.2 In addition to the purpose statements of each MU zone stated in Subtitle G and the individual chapters of this subtitle, the purposes of the Neighborhood Mixed-Use zones are to:

(a) **Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;**

(b) **Encourage safe and efficient conditions for pedestrian and motor vehicle movement;**

(c) **Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;**

(d) **Encourage a general compatibility in scale between new and older buildings;**

(e) **Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;**

(f) **Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement;**

(g) **Identify designated roadways within Neighborhood Mixed-use zones with limitations on driveways and curb cuts; and**

(h) **Identify designated use areas within Neighborhood Mixed-use zones within which use restriction shall apply to the ground floor.**

~~101.3 The bulk of public buildings and structures in the NC zones shall be controlled through the development standards specified in Subtitle H, Chapter 10.~~

~~101.4 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criteria, if applicable, shall be considered by the Board and are found at Subtitle H, Chapter 12.~~

~~101.5 Development standards followed by "IZ" represent standards available to projects subject to the provisions of Subtitle C, Chapter 10, Inclusionary Zoning.~~

~~101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.~~

~~**102 PARKING**~~

~~102.1 Parking requirements for the NC zones are as specified in Subtitle C, Chapters 7 and 8.~~

~~**103 INCLUSIONARY ZONING**~~

~~103.1 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to all NC zones except the NC-6 zone, as specified in Subtitle C, Chapter 10, Inclusionary Zoning, and in the zone-specific development standards of this subtitle; provided that new penthouse habitable space as described in Subtitle C § 1500.11 in the NC-6 zone shall be subject to the IZ requirements.~~

~~**104**~~ **102 USE PERMISSIONS**

~~104.1~~ **102.1** The use permissions for the ~~NC~~ **Neighborhood Mixed-Use** zones are ~~as~~ set forth in Subtitle H, Chapter 11.

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

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

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

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

The title of Chapter 2, GENERAL DEVELOPMENT STANDARDS, is proposed to be amended to read as follows:

CHAPTER 2 ~~GENERAL~~ DEVELOPMENT STANDARDS FOR NEIGHBORHOOD MIXED USE ZONES

CHAPTER 2, ~~GENERAL~~ DEVELOPMENT STANDARDS FOR NEIGHBORHOOD MIXED-USE ZONES, is proposed to be amended to read as follows:

200 DEVELOPMENT STANDARDS ~~GENERAL PROVISIONS~~

200.1 ~~The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone.~~ **The development standards of the MU-3 through MU-8 Mixed-use zones shall apply to the relevant Neighborhood Mixed-use zones except as modified in a specific Neighborhood Mixed-use zone, in which case the modified zone-specific development standards shall apply. When only a portion of a development standard is modified the remaining portions of the development standard shall still apply.**

200.2 ~~When modified or otherwise provided for in the development standards for a specific zone, the modification or zone specific standard shall apply.~~ **Development standards may be varied ~~or waived~~ by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criteria, if applicable, shall be considered by the Board and are found at Subtitle H, Chapter 12.**

200.3 The development standards for lodging uses shall be those for non-residential uses except as specifically stated in FAR.

200.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle H §1101 are provided.

200.5 No driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted in an N-MU zone.

~~**201 DENSITY – FLOOR AREA RATIO (FAR)**~~

~~201.1 The maximum permitted floor area ratio (FAR) in all NC zones may be used for residential purposes, unless specifically required otherwise in an NC zone. However, of the maximum permitted FAR, non-residential uses shall be limited to~~

~~a maximum non-residential FAR as established in the development standards for each zone. The maximum permitted FAR is inclusive of the non-residential FAR.~~

~~201.2 The matter-of-right height, penthouse, and density limits shall serve as the guidelines for planned unit developments except if specifically stated otherwise.~~

~~201.3 The development standards for lodging uses shall be those for non-residential uses except as specifically stated in FAR.~~

~~201.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle H §1101 are provided.~~

201 PLANNED UNIT DEVELOPMENT

201.1 Unless otherwise stated, the matter-of-right height, penthouse, and density limits shall serve as the guidelines for planned unit developments in the Neighborhood Mixed-use zones.

~~**202 REAR YARD**~~

~~202.1 Except in the NC-13 zone, rear yards as required in the NC zones may be measured according to the following rules:~~

~~(a) If the subject lot does not abut an alley, the rear yard shall be measured as follows:~~

~~(1) Measure a horizontal plane from the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table corresponding to the NC zone; and~~

~~(2) From the furthest point from the rear lot-line along the horizontal plane identified in the previous paragraph, define a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard; and~~

~~(b) If the subject lot abuts an alley, the rear yard shall be measured as follows:~~

~~(1) Measure a horizontal plane twenty-five feet (25 ft.) above the mean elevation of the rear lot-line, parallel to the rear lot line, into the lot, the distance of the required minimum yard identified in the development standards table corresponding to the NC zone; and~~

~~(2) From the furthest point from the rear lot-line along the horizontal plane identified in the previous paragraph, measure a vertical plane up to the maximum height limit of the zone. This vertical plane will form the rear yard.~~

~~**203 PENTHOUSES**~~

~~203.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~

~~**204 MISCELLANEOUS**~~

~~204.1 No driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted in an NC zone.~~

~~204.2 The development standards for buildings on alley lots in NC zones shall be as required by the zone.~~

The title of Chapter 3, MACOMB-WISCONSIN MIXED-USE ZONE – NC-1, is proposed to be renamed and amended to read as follows:

CHAPTER 3 MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE — ~~NC-1~~ MU-3A/MW

CHAPTER 3, MACOMB-WISCONSIN MIXED-USE ZONE – ~~NC-1~~ MU-3A/MW, is proposed to be amended to read as follows:

300 PURPOSE AND INTENT

300.1 **In addition to the purposes of the MU-3A zone and section 101 of this subtitle, the** ~~The~~ purposes of the Macomb-Wisconsin Neighborhood mixed-use zone (~~NC-1~~ **MU-3A/MW**) are to:

(a) Provide for public review of large developments to ensure that they are compatible with and enhance the primary neighborhood retail function of the area;

(b) Ensure new construction is compatible with and enhances the primary neighborhood retail function of the area; and

(c) Limit the scale and massing of new buildings and a mix of uses that is in general compatible in scale with existing buildings.

300.2 The ~~NC-1~~ **MU-3A/MW** zone is intended to permit mixed-use development at a low density.

~~300.3 The NC-1 zone shall be mapped on the mixed-use area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those non-residentially zoned lots in Squares 1920 and 1920N.~~

~~300.4 The designated use area in the NC-1 zone shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets, N.W.~~

~~300.5 The designated roadway in the NC-1 zone shall be Wisconsin Avenue and Macomb Street, N.W.~~.

301 DEVELOPMENT STANDARDS

301.1 ~~The development standards in Subtitle H §§ 302 through 308 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-3A zone development**

standards in Subtitle G, Chapter 2 shall apply to the MU-3A/MW zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.

302 DESIGNATED USE AREA

302.1 The designated use area in the MU-3A/MW zone shall include any lot that fronts on Wisconsin Avenue or Macomb or Newark Streets, N.W.

~~**302 DENSITY – FLOOR AREA RATIO (FAR) AND GROSS FLOOR AREA (GFA)**~~

~~302.1 The maximum permitted FAR in the NC-1 zone shall be 1.0 (1.2 with IZ) with a maximum non-residential FAR of 1.0.~~

~~302.2 On a lot that has ten thousand square feet (10,000 sq. ft.) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in Subtitle X, Chapter 9~~.

303 DESIGNATED ROADWAY

303.1 The designated roadway in the MU-3A/MW zone shall be Wisconsin Avenue and Macomb Street, N.W.

~~**303 HEIGHT**~~

~~303.1 The maximum permitted building height, not including the penthouse, in the NC-1 zone shall be forty feet (40 ft.) and three (3) stories.~~

~~303.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.~~

304 LARGE DEVELOPMENTS

304.1 On a lot that has ten thousand square feet (10,000 sq. ft.) or more in land area, construction of a new building or enlargement of the gross floor area of an existing building by fifty percent (50%) or more shall be permitted, subject to review and approval as a special exception by the Board of Zoning Adjustment, pursuant to the standards and criteria in Subtitle X, Chapter 9.

~~**304 LOT OCCUPANCY**~~

~~304.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%). The maximum permitted lot occupancy~~

~~for all other buildings or non-residential portions of a building shall be one hundred percent (100%).~~

~~**305 REAR YARD**~~

~~305.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the NC-1 zone.~~

~~**306 SIDE YARD**~~

~~306.1 No side yard is required for a building or structure in the NC-1 zone other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than six feet (6 ft.).~~

~~306.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-1 zone.~~

~~**307 COURT**~~

~~307.1 Where a court is provided, it shall have the following minimum dimensions:~~

~~**TABLE H § 307.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units:~~	~~4 in./ft. of height of court;~~ ~~10 ft. minimum~~	~~4 in./ft. of height of court;~~ ~~15 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~350 sq. ft. minimum~~
~~Non-Residential and Lodging:~~	~~2.5 in./ft. of height of court;~~ ~~6 ft. minimum~~	~~3 in./ft. of height of court~~ ~~12 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~250 sq. ft. minimum~~

~~**308 GREEN AREA RATIO (GAR)**~~

~~308.1 The minimum required (GAR) for the NC-1 zone shall be 0.3.~~

The title of Chapter 4, TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2, is proposed to be renamed and amended to read as follows:

CHAPTER 4 TAKOMA NEIGHBORHOOD MIXED-USE ZONE — ~~NC-2~~ MU-4/TK

CHAPTER 4, TAKOMA NEIGHBORHOOD MIXED-USE ZONE — ~~NC-2~~ MU-4/TK, is proposed to be amended to read as follows:

400 PURPOSE AND INTENT

400.1 **In addition to the purposes of the MU-4 zone and section 101 of this subtitle, the**~~The~~ purposes of the Takoma Neighborhood Mixed-use zone (~~NC-2~~ **MU-4/TK**) are to:

(a) Reserve sufficient open space to provide adequate light and air to encourage retail and service uses, and pedestrian circulation in the vicinity of the Takoma Metro station;

(b) Require a minimum clear floor-to-ceiling height on the ground floor sufficient to accommodate the needs of neighborhood-serving retail, service, and office uses;

(c) Allow and encourage residential development to help meet the need for housing, enhance safety, and provide sufficient resident population to support neighborhood-serving retail, service, and office uses;

(d) Permit mixed-use development at a moderate density;

(e) Encourage residential development to enhance safety and provide resident population to support neighborhood-serving commercial uses; and

(f) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.

~~400.2 The NC-2 zone begins at the street right-of-way lines abutting the squares listed in Subtitle H § 300.2 and extends to a depth of one hundred feet (100 ft.).~~

~~400.3 The designated use area shall coincide with the boundaries of the NC-2~~ **MU-4/TK** ~~zone.~~

~~400.4 The designated roadways shall be portions of 4th Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W., in the NC-2~~ **MU-4/TK** ~~zone~~.

401 DEVELOPMENT STANDARDS

401.1 ~~The development standards in Subtitle H §§ 402 through 408 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/TK zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

402 DESIGNATED USE AREA

402.1 The designated use area shall coincide with the boundaries of the MU-4/TK zone.

~~**402 DENSITY – FLOOR AREA RATIO (FAR)**~~

~~402.1 The maximum FAR in the NC-2 zone shall be 2.5 (3.0 with IZ) with a maximum non-residential FAR of 1.5.~~

~~402.2 An existing building on a lot ten thousand square feet (10,000 sq. ft.) or less may exceed the maximum FAR standard for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story.~~

403 DESIGNATED ROADWAY

403.1 The designated roadways shall be portions of 4th Street, N.W., Blair Road, N.W., Carroll Street, N.W., and Cedar Street, N.W. to the intersection with Carroll Street, N.W., in the MU-4/TK zone.

404 HEIGHT

404.1 ~~The maximum permitted building height, in the NC-2 zone shall be fifty feet (50 ft.) (fifty-five feet [55 ft.] with IZ).~~

The maximum permitted height of buildings or structures, not including the penthouse, in the MU-4/TK zone shall be as set forth in the following table:

TABLE H § 404.1: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Maximum Height Not Including penthouse (ft.)	Maximum Number of Stories
MU-4/TK	50	N/A

404.2 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.). ~~The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.~~

~~**404 LOT OCCUPANCY**~~

~~404.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%) (seventy-five percent [75%] with IZ). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).~~

~~**405 REAR YARD**~~

~~405.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-2 zone.~~

~~**406 SIDE YARD**~~

~~406.1 No side yard is required for a building or structure in the NC-2 zone other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building, but no less than six feet (6 ft.).~~

~~406.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-2 zone.~~

~~**407 COURT**~~

~~407.1 Where a court is provided, it shall have the following minimum dimensions:~~

~~**TABLE H § 407.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units:~~	~~4 in./ft. of height of court; 10 ft. minimum~~	~~4 in./ft. of height of court; 15 ft. minimum~~	~~Twice the square of the required width of court dimension; 350 sq. ft. minimum~~
~~Non-Residential and Lodging:~~	~~2.5 in./ft. of height of court; 6 ft. minimum~~	~~3 in./ft. of height of court 12 ft. minimum~~	~~Twice the square of the required width of court dimension; 250 sq. ft. minimum~~

~~**408 GREEN AREA RATIO (GAR)**~~

~~408.1 The minimum required GAR for the NC-2 zone shall be 0.3.~~

405 DESIGN REQUIREMENTS TAKOMA NEIGHBORHOOD MIXED-USE ZONE (~~NC-2~~ MU-4/TK)

~~409.1~~ **405.1** The street wall of each new building fronting on Blair Road, N.W., Cedar Street, N.W., and Carroll Street, N.W., or any addition to an existing building frontage on any of these streets, shall setback for its entire height and frontage not less than thirteen feet (13 ft.), measured from the adjacent curb line.

~~409.2~~ **405.2** Except as provided in Subtitle H § ~~409.4~~ **405.3**, the ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

~~409.3 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.).~~

~~409.4~~ **405.3** Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187 and Cedar Street frontage of Squares 3352 and 3353 within the ~~NC-2~~ **MU-4/TK** zone do not have to provide the designated retail and service establishments on the ground floor level required by Subtitle H § 1101.1, nor comply with the ground floor level floor-to-ceiling height requirement of Subtitle H § ~~409.2~~ **405.2**, if the ground floor level is devoted exclusively to residential uses.

~~409.5~~ **405.4** If ground floor residential uses are established pursuant to Subtitle H § ~~409.4~~ **405.3**, no certificate of occupancy for a permitted non-residential use on the ground floor

level may be issued, unless the ground floor level of the subject building complies with the floor-to-ceiling height requirement of Subtitle H § ~~409.2~~ **405.2**.

The title of Chapter 5, CLEVELAND PARK NEIGHBORHOOD MIXED-USE — NC-3, is proposed to be renamed and amended to read as follows:

CHAPTER 5, CLEVELAND PARK NEIGHBORHOOD MIXED-USE ZONE — ~~NC-3~~ MU-4/CP, is proposed to be amended to read as follows:

500 PURPOSE AND INTENT

500.1 **In addition to the purposes of the MU-4 zone and section 101 of this subtitle, the** ~~The~~ purposes of the Cleveland Park Neighborhood Mixed-use zone (~~NC-3~~ **MU-4/CP**) are to:

(a) Encourage compatibility of development with the purposes of the Historic Landmark and Historic District Protection Act of 1978;

(b) Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings; and

(c) Provide for retention of existing housing within the Cleveland Park commercial area to help meet the need for affordable housing and to enhance pedestrian activity, safety, and consumer support for businesses in the commercial area.

500.2 The ~~NC-3~~ **MU-4/CP** zone is intended to permit mixed-use development at a moderate density.

~~500.3 The NC-3 zone shall be mapped to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those non-residentially zoned lots in Squares 2218, 2219, 2222, 2068, 2069, and 2082.~~

~~500.4 The designated use area shall include any lot within the NC-3 zone that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.~~

~~500.5 The designated roadway in the NC-3 zone shall be Connecticut Avenue, N.W.~~

501 DEVELOPMENT STANDARDS

501.1 ~~The development standards in Subtitle H §§ 502 through 507 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/CP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

502 DESIGNATED USE AREA

502.1 The designated use area shall include any lot within the MU-4/CP zone that fronts on Connecticut Avenue or Macomb, Newark, Ordway, or Porter Streets.

503 DESIGNATED ROADWAY

503.1 THE DESIGNATED ROADWAY IN THE MU-4/CP ZONE SHALL BE CONNECTICUT AVENUE, N.W.

~~502~~ **504 DENSITY – FLOOR AREA RATIO (FAR)**

~~502.1 The maximum FAR in the NC-3 zone shall be 2.0 (2.4 with IZ) with a maximum non-residential FAR of 1.0.~~

504.1 The maximum permitted floor area ratio (FAR) in the MU-4/CP shall be as set forth in the following table:

TABLE H § 504.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-4/CP	2.0 2.4 (IZ)	1.0

~~503~~ **505 HEIGHT**

~~503.1~~ **505.1** ~~The maximum permitted building height, not including the penthouse, in the NC-3 zone shall be forty feet (40 ft.) (forty-five feet [45 ft.] with IZ).~~

The maximum permitted height of buildings or structures, not including the penthouse, in the MU-4/CP zone shall be as set forth in the following table:

TABLE H § 505.1: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Maximum Height Not Including penthouse (ft.)	Maximum Number of Stories
MU-4/CP	40 45 (IZ)	N/A

~~503.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the~~

~~penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space~~.

~~**504 LOT OCCUPANCY**~~

~~504.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use shall be sixty percent (60%) (seventy-five percent [75%] with IZ). The maximum permitted lot occupancy for all other buildings or non-residential portions of a building shall be one hundred percent (100%).~~

~~**505 REAR YARD**~~

~~505.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-3 zone.~~

~~**506 SIDE YARD**~~

~~506.1 No side yard is required for a building or structure in the NC-3 zone other than a detached or semi-detached dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).~~

~~506.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-3 zone.~~

~~**507 COURT**~~

~~507.1 Where a court is provided, it shall have the following minimum dimensions:~~

~~**TABLE H § 507.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units:~~	~~4 in./ft. of height of court;~~ ~~10 ft. minimum~~	~~4 in./ft. of height of court;~~ ~~5 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~350 sq. ft. minimum~~
~~Non-Residential and Lodging:~~	~~2.5 in./ft. of height of court;~~ ~~6 ft. minimum~~	~~3 in./ft. of height of court~~ ~~12 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~250 sq. ft. minimum~~

~~**508 GREEN AREA RATIO (GAR)**~~

~~508.1 The minimum required GAR for the NC-3 zone shall be 0.3.~~

The title of Chapter 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 and NC-5, is proposed to be renamed and amended to read as follows:

CHAPTER 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — ~~NC-4 and NC-5~~ MU-4/WP and MU-5A/WP

CHAPTER 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — ~~NC-4 and NC-5~~ MU-4/WP and MU-5A/WP, is proposed to be amended to read as follows:

600 PURPOSE AND INTENT

600.1 **In addition to the purposes of the MU-4 and MU-5A zones and section 101 of this subtitle, the** ~~The~~ purposes of the Woodley Park Neighborhood Mixed-use zones (~~NC-4 and NC-5~~ **MU-4/WP and MU-5A/WP**) are to:

(a) Limit the height of new buildings; and

(b) Encourage a scale of development and a mixture of building uses that are in general compatible in scale with existing buildings in the Woodley Park neighborhood.

~~600.2 The NC-4 zone is intended to permit mixed-use development at a moderate-density.~~

~~600.3 The NC-5 zone is intended to permit compact mixed-use development at a medium density with an emphasis on residential development.~~

~~600.4 The NC-4 and NC-5 zones shall be mapped to a compact geographic area comprising those non-residentially zoned lots in Squares 2202 and 2203 and in Square 2204.~~

~~600.5 The designated use area shall include any lot within the NC-4 and NC-5 zones that fronts on Connecticut Avenue, Calvert Street, or 24th Street, N.W. For the purposes of Subtitle H § 1101.3, the designated use areas of NC-4 and NC-5 shall be treated as a single use area.~~

~~600.6 The designated roadway in the NC-4 and NC-5 shall be Connecticut Avenue, N.W.~~

601 DEVELOPMENT STANDARDS

601.1 ~~The development standards in Subtitle H §§ 602 through 608 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 and MU-5A zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/WP and MU-5A/WP zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

602 DESIGNATED USE AREA

602.1 The designated use area shall include any lot within the MU-4/WP and MU-5A/WP zones that fronts on Connecticut Avenue, Calvert Street, or 24th Street, N.W. For the purposes of Subtitle H § 1101.3, the designated use areas of MU-4/WP and MU-5A/WP shall be treated as a single use area.

603 DESIGNATED ROADWAY

603.1 The designated roadway in the MU-4/WP and MU-5A/WP shall be Connecticut Avenue, N.W

~~602~~ 604 DENSITY – FLOOR AREA RATIO (FAR)

~~602.1~~**604.1** The maximum permitted FAR in the ~~NC-4 and NC-5~~ **MU-4/WP and MU-5A/WP** zones shall be as set forth in the following table:

TABLE H § ~~602.1~~ 604.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
~~NC-4~~ **MU-4/WP**	2.5	1.0
	3.0 (IZ)	
~~NC-5~~ **MU-5A/WP**	3.0	1.0
	3.6 (IZ)	

~~603~~ 605 HEIGHT

~~603.1~~**605.1** The maximum permitted building height, not including the penthouse, in the ~~NC-4 and NC-5~~ **MU-4/WP and MU-5A/WP** zones shall be as set forth in the following table:

TABLE H § ~~603.1~~ 605.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Ft.)
~~NC-4~~ **MU-4/WP**	40
	50 (IZ)
~~NC-5~~ **MU-5A/WP**	50
	55 (IZ)

~~603.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C §1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1), except a second story shall be permitted for penthouse mechanical space.~~

~~**604 LOT OCCUPANCY**~~

~~604.1 The maximum permitted lot occupancy in the NC-4 and NC-5 zones shall be as set forth in the following table:~~

~~**TABLE G § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY**~~

~~Zone~~	~~Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)~~	~~Maximum Lot Occupancy All Other Buildings (Percentage)~~
~~NC-4~~	~~60~~ ~~75 (IZ)~~	~~100~~
~~NC-5~~	~~80~~ ~~80 (IZ)~~	~~100~~

~~**605 REAR YARD**~~

~~605.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-4 and NC-5 zones.~~

~~**606 SIDEYARD**~~

~~606.1 No side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).~~

~~606.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-4 and NC-5 zones.~~

~~**607 COURT**~~

~~607.1 Where a court is provided, it shall have the following minimum dimensions:~~

~~**TABLE H § 607.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~**Residential, more than three units:**~~	~~4 in./ft. of height of court;~~ ~~10 ft. minimum~~	~~4 in./ft. of height of court;~~ ~~15 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~350 sq. ft. minimum~~
~~**Non-Residential and Lodging:**~~	~~2.5 in./ft. of height of court;~~ ~~6 ft. minimum~~	~~3 in./ft. of height of court~~ ~~12 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~250 sq. ft. minimum~~

~~**608 GREEN AREA RATIO (GAR)**~~

~~608.1 The minimum required GAR for the NC-4 and NC-5 zones shall be 0.3.~~

The title of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — NC-6, is proposed to be renamed and amended to read as follows:

CHAPTER 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — ~~NC-6~~ MU-7/ES, is proposed to be amended to read as follows:

700 PURPOSE AND INTENT

700.1 **In addition to the purposes of the MU-7 zone and section 101 of this subtitle, the** ~~The~~ purposes of the Eighth Street Southeast Neighborhood Mixed-use zone (~~NC-6~~**MU-7/ES**) are to:

(a) Encourage and allow new neighborhood-serving retail and service businesses and office development in close proximity to the Navy Yard, with emphasis on firms that will conduct business with the Navy, as well as neighborhood-serving retail and service businesses;

(b) Allow and encourage mixed-use development at a medium density, in the interest of securing economic development, while restricting building heights to a low level density to respect the historic scale of buildings and the entrance to the adjacent Navy Yard; and

(c) Provide for safe and efficient pedestrian movement by reducing conflicts between pedestrian and vehicular traffic, so as to improve access to retail.

~~700.2 The NC-6 zone shall be mapped to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those non-residentially zoned properties in Squares 906, 907, 929, and 930.~~

~~700.3 The designated use area shall include any lot that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E. in the NC-6 zone.~~

~~700.4 The designated roadways shall be Eighth Street, M Street, and Potomac Avenue, S.E. and other businesses in the area~~

701 DEVELOPMENT STANDARDS

701.1 ~~The development standards in Subtitle H §§ 702 through 708 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-7 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-7/ES zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.**

702 DESIGNATED USE AREA

702.1 The designated use area shall include any lot that fronts on Eighth Street, L Street, M Street, or Potomac Avenue, S.E. in the NC-6 zone.

703 DESIGNATED ROADWAY

703.1 The designated roadways shall be Eighth Street, M Street, and Potomac Avenue, S.E. and other businesses in the area.

~~702~~ 704 DENSITY – FLOOR AREA RATIO (FAR)

~~702.1 The maximum permitted FAR for permitted commercial and residential uses in the NC-6 zone shall be 3.0.~~

704.1 The maximum permitted FAR in the ~~NC-6~~ MU-7/ES zone shall be as set forth in the following table:

TABLE H § ~~703.1~~ 704.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-7/ES	3.0	3.0

~~702.2~~ **704.2** Except for new penthouse habitable space as described in Subtitle C § 1500.11, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the ~~NC-6~~ **MU-7/ES** zone.

705 HEIGHT

705.1 ~~The maximum permitted building height, not including the penthouse, in the NC-6 zone shall be forty-five feet (45 ft.).~~ **The maximum permitted height of buildings or structures, not including the penthouse, in the MU-7/ES zone shall be as set forth in the following table:**

TABLE H § 705.1: MAXIMUM HEIGHT AND NUMBER OF STORIES

Zone	Maximum Height (ft.)	Maximum Number of Stories
MU-7/ES	~~45~~ 45 (IZ)	N/A

~~703.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) except fifteen feet (15 ft.) shall be permitted for penthouse mechanical space, and the maximum number of stories within the penthouse shall be one (1).~~

~~704 LOT OCCUPANCY~~

~~704.1 The maximum permitted lot occupancy for a building or portion thereof devoted to residential use in the NC-6 zone shall be seventy-five percent (75%). The maximum lot occupancy for all other buildings shall be one hundred percent (100%).~~

~~**705 REAR YARD**~~

~~705.1 A minimum rear yard of twelve feet (12 ft.) shall be provided in the NC-6 zone.~~

~~**706 SIDE YARD**~~

~~706.1 No side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).~~

~~706.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-6 zone.~~

~~**707 COURT**~~

~~707.1 Where a court is provided, it shall have the following minimum dimensions:~~

~~**TABLE H § 707.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units:~~	~~4 in./ft. of height of court;~~ ~~10 ft. minimum~~	~~4 in./ft. of height of court;~~ ~~15 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~350 sq. ft. minimum~~
~~Non-Residential and Lodging:~~	~~2.5 in./ft. of height of court;~~ ~~6 ft. minimum~~	~~3 in./ft. of height of court~~ ~~12 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~250 sq. ft. minimum~~

~~**708 GREEN AREA RATIO**~~

~~708.1 The minimum required Green Area Ratio in the NC-6 zone shall be 0.25.~~

The title of Chapter 8, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES — NC-7 and NC-8, is proposed to be renamed and amended to read as follows:

CHAPTER 8, GEORGIA AVENUE NEIGHBORHOOD MIXED-USEZONES — ~~NC-7 AND NC-8~~ MU-4/GA AND MU-7/GA, IS PROPOSED TO BE AMENDED TO READ AS FOLLOWS:

800 PURPOSE AND INTENT

800.1 **In addition to the purposes of the MU-4 and MU-7 zones and section 101 of this subtitle, the** ~~The~~ purposes of the Georgia Avenue Neighborhood Mixed-use zones (~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA**) are to:

(a) Implement the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia, effective July 20, 2006 (Res. 16-686);

(b) Implement the goals of the Great Streets Framework Plan for 7th Street - Georgia Avenue, published by the District Department of Transportation and dated 2006;

(c) Encourage additional residential uses along the Georgia Avenue corridor;

(d) Encourage improved commercial uses;

(e) Provide uniform building design standards;

(f) Set guidelines for development review through planned unit development (PUD) and special exception proceedings; and

(g) Encourage vertically mixed-uses (ground floor commercial and residential above) within a quarter mile of the Georgia Avenue - Petworth Metrorail Station along Georgia Avenue, from Park Road to Shepherd Street.

800.2 The ~~NC-7~~ **MU-4/GA** zone is intended to permit mixed-use development at a moderate density, including additional residential uses above ~~improved~~ commercial uses; and

800.3 The ~~NC-8~~ **MU-7/GA** zone is intended to permit mixed-use development at a medium density with a focus on employment, including additional residential uses above ~~improved~~ commercial uses.

~~800.4 The NC-7 and NC-8 zones apply to non-residential properties along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue and Kenyon Street to the south side of the intersection of Georgia Avenue and Varnum Street.~~

~~800.5~~ **800.4** The designated use area shall coincide with the boundaries of the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones.

~~800.6~~ **800.5** The designated roadway in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones shall be Georgia Avenue N.W.

801 DEVELOPMENT STANDARDS

801.1 ~~The development standards in Subtitle H §§ 802 through 810 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4 and MU-7 zone development standards in Subtitle G, Chapter 2 shall apply to the MU-4/GA and MU-7/GA zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

802 DESIGNATED USE AREA

802.1 The designated use area shall coincide with the boundaries of the MU-4/GA and MU-7/GA zones.

803 DESIGNATED ROADWAY

803.1 The designated roadway in the MU-4/GA and MU-7/GA zones shall be Georgia Avenue N.W.

~~802~~ 804 ~~DENSITY – FLOOR AREA RATIO (FAR)~~ PLANNED UNIT DEVELOPMENTS

~~802.1 The maximum permitted FAR in the NC-7 and NC-8 zones shall be as set forth in the following table:~~

~~TABLE H § 802.1: MAXIMUM PERMITTED FLOOR AREA RATIO~~

~~Zone~~	~~Maximum FAR~~	
	~~Total Permitted~~	~~Maximum Non-Residential Use~~
~~NC-7~~	~~2.5~~ ~~3.0 (IZ)~~	~~1.5~~
~~NC-8~~	~~4.0~~ ~~4.8 (IZ)~~	~~2.5~~

~~802.2~~ **804.1** A planned unit development (PUD) in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

(a) Any additional height and floor area above that permitted as a matter of right in the zone shall be for residential use only; and

(b) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be a total of ten thousand square feet (10,000 sq. ft.).

~~803~~ 805 HEIGHT

~~803.1~~ **805.1** The maximum permitted building height, not including the penthouse, in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones shall be as set forth in the following table:

TABLE H § ~~803.1~~ 805.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Ft.)
~~NC-7~~ **MU-4/GA**	50
	55 (IZ)

Zone	Maximum Height (Ft.)
~~NC-8~~ **MU-7/GA**	65

805.2 Buildings subject to Subtitle H § 807.1(f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter of right in the zone.

~~803.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:~~

~~**TABLE H § 803.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES**~~

~~**ZONE**~~	~~**Maximum Penthouse Height**~~	~~**Maximum Penthouse Stories**~~
~~NC-7~~	~~12 ft. except 15 ft. for penthouse mechanical space~~	~~1; Second story permitted for penthouse mechanical space~~
~~NC-8~~	~~12 ft. except 18 ft. 6 in. for penthouse mechanical space~~	~~1; Second story permitted for penthouse mechanical space~~

~~804~~ 806 LOT OCCUPANCY

~~804.1~~ **806.1** The maximum permitted lot occupancy **for a building or portion thereof devoted to residential use** in the ~~NC-7 and NC-8 zones~~ **MU-4/GA zone** shall be as set forth in the following table:

TABLE G § ~~804.1~~ 806.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Percentage Lot Occupancy for ~~a Building or Portion Thereof Devoted to Residential Use (Percentage)~~ Residential Use (%)	~~Maximum Lot Occupancy All Other Buildings (Percentage)~~
~~NC-7~~ **MU-4/GA**	70	~~100~~
	75 (IZ)	
~~NC-8~~	~~75~~	~~100~~
	~~80 (IZ)~~	

~~**805 REAR YARD**~~

~~805.1 A minimum rear yard of fifteen feet (15 ft.) shall be provided in the NC-7 zone.~~

~~805.2 A minimum rear yard of twelve feet (12 ft.) shall be provided in the NC-8 zone.~~

~~**806 SIDE YARD**~~

~~806.1 No side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).~~

~~806.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling in the NC-7 and NC-8 zones.~~

~~**807 COURT**~~

~~807.1 Where a court is provided, it shall have the following minimum dimensions:~~

~~**TABLE H § 807.1: MINIMUM COURT DIMENSIONS**~~

~~Type of Structure~~	~~Minimum Width Open Court~~	~~Minimum Width Closed Court~~	~~Minimum Area Closed Court~~
~~Residential, more than 3 units:~~	~~4 in./ft. of height of court;~~ ~~10 ft. minimum~~	~~4 in./ft. of height of court;~~ ~~15 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~350 sq. ft. minimum~~
~~Non-Residential and Lodging:~~	~~2.5 in./ft. of height of court;~~ ~~6 ft. minimum~~	~~3 in./ft. of height of court~~ ~~12 ft. minimum~~	~~Twice the square of the required width of court dimension;~~ ~~250 sq. ft. minimum~~

~~**808 GREEN AREA RATIO (GAR)**~~

~~808.1 The minimum required GAR in the NC-7 zone shall be 0.3.~~

~~808.2 The minimum required GAR in the NC-8 zone shall be 0.25.~~

~~809~~ 807 DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES

~~809.1~~ **807.1** The following design requirements shall apply to any lot in the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones, other than a lot used for a public school:

(a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the street wall at the street level shall be constructed to the property line abutting the street right-of-way;

(b) Buildings on corner lots shall be constructed to all property lines abutting public streets;

(c) On-grade parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;

(d) Each building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty percent (50%) of the surface area of the street wall at the ground level to entrances to commercial uses or to the building's main

lobby, and to display windows having clear or clear/low emissivity glass. Decorative or architectural accents do not count toward the fifty percent (50%) requirement;

(e) Security grilles over windows or doors shall have no less than seventy percent (70%) transparency;

(f) The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.);

~~(g) Buildings subject to Subtitle H § 809.1(f) shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter of right in the zone;~~

~~(h)~~ **(g)** Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk;

~~(i)~~ **(h)** Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby; and

~~(j)~~ **(i)** Off-street surface parking shall be permitted in rear yards or below grade only.

~~810~~ 808 NEW CONSTRUCTION OR ENLARGEMENT ~~SPECIAL EXCEPTION~~

~~810.1~~ **808.1** Construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has twelve thousand square feet (12,000 sq. ft.) or more of land area is permitted only as a special exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H ~~§ 1201~~ **, Chapter 52**.

809 EXCEPTION FROM DESIGN REQUIREMENTS - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES

809.1 Exceptions from the design requirements of the Georgia Avenue Neighborhood Mixed-use zones as set forth in § 807 shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H, Chapter 52.

The title of Chapter 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 through NC-17, is proposed to be renamed and amended to read as follows:

CHAPTER 9 H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — ~~NC-9 through NC-17~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R

CHAPTER 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — ~~NC-9 through NC-17~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R, is proposed to be amended to read as follows:

900 PURPOSE AND INTENT

900.1 The purposes of the H Street Northeast Neighborhood Mixed-use zones (~~NC-9 through NC-17~~ **MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R**) are to:

(a) Implement the policies and goals of the H Street NE Strategic Development Plan as approved by the Council of the District of Columbia, effective February 17, 2004 (Res. 15-460);

(b) Encourage the clustering of uses into unique destination sub-districts along the corridor, specifically a housing district from 2nd Street to 7th Street, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th Street, N.E.;

(c) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor;

(d) Encourage new construction to preserve existing façades constructed before 1958; and

(e) Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the ~~NC-9 through NC-17~~ **MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R zones** but not fronting H Street, N.E.

900.2 The H Street Northeast Neighborhood Mixed-use zones include a housing, arts, and retail ~~subarea~~ **sub-district**, and are comprised of the ~~NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, and NC-17~~ **MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R** zones.

900.3 The H Street Northeast Neighborhood Mixed-use Housing sub-district is divided into the ~~NC-9, NC-10, NC-11, NC-12, and NC-13~~ **MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H** zones.

900.4 The H Street Northeast Neighborhood Mixed-use Housing sub-district zones are intended to:

(a) Encourage residential uses along the H Street, N.E. corridor, particularly the provision of affordable units and reuse of upper floors;

(b) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor; and

(c) Encourage the reuse of existing buildings along the corridor.

900.5 The ~~NC-9~~ **MU-4/HS-H** zone is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

900.6 The ~~NC-10~~ **MU-5A/HS-H** zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

900.7 The ~~NC-11, NC-12, and the NC-13~~ **MU-6/HS-H, MU-7/HS-H, and MU-8/HS-H** zones are intended to permit mixed-use development at a medium-density with an emphasis on the provision of residential uses, particularly affordable units and reuse of upper floors.

900.8 The H Street Northeast Neighborhood Mixed-use ~~Commercial~~ Arts sub-district is divided into the ~~NC-14 and NC-15~~ **MU-4/HS-A and MU-7/HS-A** zones.

900.9 The H Street Northeast Neighborhood Mixed-use ~~Commercial~~ Arts sub-district zones are intended to encourage arts and entertainment uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.

900.10 The ~~NC-14~~ **MU-4/HS-A** zone is intended to permit mixed-use development at a moderate density with an emphasis on arts and arts-related uses.

900.11 The ~~NC-15~~ **MU-7/HS-A** zone is intended to permit mixed-use development at a medium density with an emphasis on employment and the provision of arts and arts-related uses.

900.12 The H Street Northeast Neighborhood Mixed-use Retail sub-district is divided into the ~~NC-16 and NC-17~~ **MU-4/HS-R and MU-5A/HS-R** zones.

900.12 The H Street Northeast Neighborhood Mixed-use Retail sub-district zones are intended to encourage retail uses and a scale of development and a mixture of building uses that is generally compatible in scale with existing buildings.

900.13 The ~~NC-16~~ **MU-4/HS-R** zone is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of retail uses.

900.14 The ~~NC-17~~ **MU-5A/HS-R** zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of retail uses.

~~900.15 The H Street Northeast Neighborhood Mixed-Use zones shall be mapped along the H Street, N.E. commercial corridor between the western side of 2nd Street, N.E. and the eastern side of 15th Street, N.E.~~

~~900.16 The designated street lot lines in the H Street Northeast Neighborhood Mixed-Use zones are:~~

~~(d) The street lot lines abutting H Street, N.E.; and~~

~~(e) The street lot lines abutting Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street, N.E., and 15th Street, N.E., applicable only if the building would have ground floor space occupied by one (1) or more service, retail, or office uses permitted by-right in the zone.~~

~~900.17 The designated roadway within the NC-9 through NC-17 zones shall be H Street, N.E.~~

901 DEVELOPMENT STANDARDS

901.1 ~~The development standards in Subtitle H §§ 902 through 910 modify the general development standards in Subtitle H, Chapter 2.~~ **The MU-4, MU-5A, MU-6, MU-7 and MU-8 zone development standards in Subtitle G, Chapter 2 shall apply to the H Street Northeast Neighborhood Mixed-use zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**

902.1 DESIGNATED ROADWAY

902.1 The designated roadway within the MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R zones shall be H Street, N.E.

~~902~~ 903 DENSITY – FLOOR AREA RATIO (FAR)

~~902.1~~ **903.1** **Except as provided in §§ 902.2 through 902.5, the** ~~The~~ maximum permitted FAR in the ~~NC-9 through NC-17~~ **H Street Northeast Neighborhood Mixed-use** zones shall be as set forth in the following table:

TABLE H § ~~902.1~~ 903.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum Residential FAR	Maximum FAR Other Uses	Maximum FAR Permitted
~~NC-9~~ **MU-4/HS-H**	2.5	0.5	2.5
			3.0 (IZ)
~~NC-10~~ **MU-5A/HS-H**	3.5	0.5	3.5
			4.2 (IZ)

~~NC-11~~ **MU-6 /HS-H**	6.0	0.5	6.0 7.2 (IZ)
~~NC-12~~ **MU-7/HS-H**	4.0	0.5	4.0 4.8 (IZ)
~~NC-13~~ **MU-8/HS-H**	5.0	0.5	5.0 6.0 (IZ)
~~NC-14~~ **MU-4/HS-A**	2.5	1.0	2.5 3.0 (IZ)
~~NC-15~~ **MU-7/HS-A**	4.0	1.0	4.0 4.8 (IZ)
~~NC-16~~ **MU-4/HS-R**	2.5	1.5	2.5 3.0 (IZ)
~~NC-17~~ **MU-5A/HS-R**	3.5	1.5	3.5 4.2 (IZ)

~~902.2~~ **903.2** In the ~~NC-9, NC-10, NC-11, NC-12, and NC-13~~ **MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H and MU-8/HS-H** zones, new construction that preserves a building façade constructed before 1958 is permitted a maximum non-residential FAR of 1.5, provided that at least 1.0 FAR shall be occupied by uses in the following categories:

(a) Office, provided that the office use shall not be on the ground story;

(b) Retail;

(c) Service; or

(d) Eating and drinking establishments.

~~902.3~~ **903.3** In the ~~NC-14 through NC-17~~ **MU-4/HS-A, MU-7/HS-A, MU-4/HS-R, and MU-5A/HS-R** zones, new construction that preserves an existing façade constructed before 1958 is ~~entitled to~~ **permitted** an increase of 0.5 FAR to the maximum permitted non-residential density **for non-residential uses**.

~~902.4~~ **903.4** New construction that preserves an existing façade constructed before 1958 is permitted ~~to use, for residential uses,~~ an additional 0.5 FAR to the maximum permitted residential density **for residential uses**.

~~902.5~~ **903.5** On Square 776, a maximum non-residential density of 1.5 FAR shall be permitted in the event that a grocery store is constructed Square 776.

~~902.6 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-Use zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:~~

~~(a) Any additional height and floor area above that permitted as a matter of right shall be used only for housing or the designated uses;~~

~~(b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses;~~

(c) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square feet (10,000 sq. ft.);

(d) Development properties subject to the set-aside requirements of Inclusionary Zoning (IZ) pursuant to Subtitle C, Chapter 10 may use the height and lot occupancy and bonus density as the basis of calculating the set-aside requirements for IZ units;

(e) The use of bonus FAR by a property also eligible to use the bonus provided for in Subtitle H § 902.2 shall be deemed to first utilize the bonus authorized for IZ units;

(f) Use of the bonus density authorized in Subtitle H § 902.2 shall not count towards the IZ set-aside requirements of Subtitle C, Chapter 10; and

(g) Bonus density achieved through Subtitle H § 902.2 that is in addition to the IZ requirements shall not count toward the IZ set-aside requirements of Subtitle C, Chapter 10.

903 HEIGHT

903.1 The maximum permitted building height, not including the penthouse, in the NC-9 through NC-17 zones shall be as set forth in the following table:

TABLE H § 803.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet)
NC-9, NC-14, and NC-16	50
NC-12 and NC-15	65
NC-10 and NC-17	65
	70 (IZ)
NC-13	70
NC-11	90
	100 (IZ)

903.2 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE H § 903.2: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

ZONE	Maximum Penthouse Height (Feet)	Maximum Penthouse Stories
NC-9 NC-14 NC-16	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-10 NC-12 NC-15 NC-17	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
NC-13	20 ft.	1;

		~~Second story permitted for penthouse mechanical space~~
~~NC 11~~	~~20 ft.~~	~~1 plus mezzanine;~~ ~~Second story permitted for penthouse mechanical space~~

904 PLANNED UNIT DEVELOPMENTS

904.1 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-use zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:

(a) **Any additional height and floor area above that permitted as a matter of right shall be used only for housing or the designated uses;**

(b) **The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses;**

(c) **The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand square feet (10,000 sq. ft.);**

(d) **Development properties subject to the set-aside requirements of Inclusionary Zoning (IZ) pursuant to Subtitle C, Chapter 10 may use the height and lot occupancy and bonus density as the basis of calculating the set-aside requirements for IZ units;**

(e) **The use of bonus FAR by a property also eligible to use the bonus provided for in Subtitle H § 903.2 shall be deemed to first utilize the bonus authorized for IZ units;**

(f) **Use of the bonus density authorized in Subtitle H § 903.2 shall not count towards the IZ set-aside requirements of Subtitle C, Chapter 10; and**

(g) **Bonus density achieved through Subtitle H § 903.2 that is in addition to the IZ requirements shall not count toward the IZ set-aside requirements of Subtitle C, Chapter 10.**

~~904~~ 905 LOT OCCUPANCY

~~904.1~~**905.1** The maximum permitted lot occupancy **for a building or portion thereof devoted to residential use** in the ~~NC-9 through NC-17~~ **H Street Northeast Neighborhood Mixed-use** zones shall be as set forth in the following table:

TABLE H § ~~904.1~~ 905.1: MAXIMUM PERMITTED LOT OCCUPANCY

~~Zone~~	~~Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)~~	~~Maximum Lot Occupancy All Other Buildings (Percentage)~~
~~NC-9, NC-14, and NC-16~~	~~70~~ ~~75 (IZ)~~	~~100~~
~~NC-12 and NC-15~~	~~75~~ ~~80 (IZ)~~	~~100~~
~~NC-10, NC-11, and NC-17~~	~~75~~ ~~80 (IZ)~~	~~100~~
~~NC-12 and NC-15~~	~~75~~ ~~80 (IZ)~~	~~100~~
~~NC-13~~	~~100~~	~~100~~

Zone	Maximum Percentage Lot Occupancy for ~~a Building or Portion Thereof Devoted to~~ Residential Use (%)	~~Maximum Percentage Lot Occupancy All Other Buildings Uses~~
MU-4/HS-H, MU-4/HS-A and MU-4/HS-R	**70** **75 (IZ)**	~~100~~
MU-5A/HS-H and MU-5A/HS-R	**70**	~~100~~
MU-6/HS-H	**70**	~~100~~
MU-7/HS-H and MU-7/HS-A	**75** **80 (IZ)**	~~100~~
MU-8/HS-H	**100**	~~100~~

~~904.2~~ **905.2** For the purposes of Subtitle H § ~~904.1~~ **905.1**, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses.

~~904.3 For the purposes of this chapter, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.~~

~~**905 REAR YARD**~~

~~905.1 A minimum rear yard in the NC-9 through NC-17 zones shall be as set forth in the following table:~~

~~**TABLE H § 905.1: MINIMUM REQUIRED REAR YARD**~~

Zone	Minimum Rear Yard (Feet)
NC-9, NC-10, NC-11, NC-14, NC-16, and NC-17	15
NC-12, NC-13, and NC-15	12

905.2 In the NC-13 zone, rear yards shall be measured as follows:

(a) A horizontal plane may be established at twenty-five feet (25 ft.) above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards;

(b) Where a lot abuts an alley:

(1) For that portion of the structure below a horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the center line of the alley to the rear wall of the portion; and

(2) For that portion of the structure above the horizontal plane described in Subtitle G § 905.2(a), rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane; and

(c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

906 SIDE YARD

906.1 In the NC zones, no side yard is required for a building or structure other than a detached or semi-detached dwelling; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than six feet (6 ft.).

906.2 A minimum side yard of eight feet (8 ft.) shall be provided for a detached or semi-detached dwelling.

907 COURT

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

TABLE H § 907.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Residential, more than 3 units:	4 in./ft. of height of court; 10 ft. minimum	4 in./ft. of height of court; 15 ft. minimum	Twice the square of the required width of court dimension; 350 sq. ft. minimum
Non-Residential and Lodging:	2.5 in./ft. of height of court; 6 ft. minimum	3 in./ft. of height of court 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

908 GREEN AREA RATIO (GAR)

908.1 The minimum required GAR shall be as set forth in the following table:

~~TABLE H § 908.1: MINIMUM REQUIRED GREEN AREA RATIO~~

~~Zone~~	~~Minimum Required GAR~~
~~NC 9, NC 10, NC 11, NC 14, NC 16, and NC 17~~	~~0.3~~
~~NC 12, NC 13 and NC 15~~	~~0.25~~

~~909~~ 906 DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

~~909.1~~**906.1** The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-use zones:

(a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets;

(b) New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses;

(c) Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street N.E., or 15th Street N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space;

(d) Each new building on a lot that fronts on H Street N.E., Florida Avenue, N.E., Maryland Avenue N.E., 13th Street, N.E., 14th Street N.E., or 15th Street N.E. shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building;

(e) Security grilles shall have no less than seventy percent (70%) transparency;

(f) Each commercial use with frontage on H Street N.E., Florida Avenue N.E., Maryland Avenue N.E., 13th Street N.E., 14th Street N.E., or 15th Street N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple dwellings unit developments shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk;

(g) Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.), on average, for the linear frontage of the building, excluding

vehicular entrances, but including entrances to ground floor uses and the main lobby;

(h) The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building:

(1) Fronts H Street N.E.; or

(2) Fronts Florida Avenue N.E., Maryland Avenue N.E., 13th Street N.E., 14th Street N.E., or 15th Street N.E., and would have ground floor space occupied by one (1) or more service, retail, or office uses permitted as a matter-of-right in the underlying zone;

(i) Buildings subject to Subtitle H § ~~909.1(h)~~ **905.1(h)** shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;

(j) Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline;

(k) Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building; and

(l) Roof signs are prohibited.

~~910~~ 907 NEW CONSTRUCTION OR ENLARGEMENT ~~SPECIAL EXCEPTION~~

~~910.1~~ **907.1** Construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has six thousand square feet (6,000 sq. ft.) or more of land area is permitted only as a special exception if approved by the Board of Zoning Adjustment, in accordance with the standards specified in Subtitle X, Chapter 9 and Subtitle H ~~§1202~~ **Chapter 52**.

908 EXCEPTION FROM DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES

908.1 Exceptions from the design requirements of the H Street Northeast Neighborhood Mixed-use zones, as set forth in § 906, shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance with the standards specified in Subtitle X, Chapter 9, Subtitle H, Chapter 52 and the following conditions:

(a) **The project is consistent with the design intent of the design guidelines of the H Street N.E. Strategic Development Plan; and**

(b) **The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent with the design guidelines of the H Street N.E. Strategic Development Plan.**

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

~~CHAPTER 10 DEVELOPMENT STANDARDS FOR PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, AND PUBLIC LIBRARIES FOR nc ZONES~~

~~**1000 DEVELOPMENT STANDARDS**~~

~~1000.1 Public education buildings and structures, public recreation and community centers, or public libraries in the NC zones shall be permitted subject to the conditions of Subtitle C, Chapter 13.~~

~~1000.2 Development standards not otherwise addressed by Subtitle C, Chapter 13 shall be those development standards for the zone in which the buildings or structures is proposed.~~

CHAPTER 10 [RESERVED]

CHAPTER 11 [RESERVED]

CHAPTER 12 RELIEF FROM DEVELOPMENT STANDARDS is proposed to be renumbered as Chapter 52 and amended to read as follows:

CHAPTER ~~12~~ 52 RELIEF FROM DEVELOPMENT STANDARDS

~~1200~~ 5200 GENERAL PROVISIONS

~~1200.1~~ **5200.1** The Board of Zoning Adjustment may grant relief from the standards of this subtitle**, except for height and floor-area-ratio,** as a special exception subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the ~~NC~~ **Neighborhood Mixed-use** zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;

(b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;

(c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

(d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;

(e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;

(f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and

(g) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the ~~NC~~ **Neighborhood Mixed-use** zone.

~~1200.2~~ **5200.2** This section shall not operate to allow any exception to the height or floor area ratio limits of any ~~NC~~ **Neighborhood Mixed-use** zone.

~~**1201 SPECIAL EXCEPTION CRITERIA - GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES**~~

~~1201.1 In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC-7 and NC-8 zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 809.~~

~~**1202 SPECIAL EXCEPTION CRITERIA - H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES**~~

~~1202.1 In addition to the requirements of Subtitle H § 1200, an application for special exception in the NC-9 through NC-17 **MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R and MU-5A/HS-R** zones shall demonstrate that the project is consistent with the design intent of the design requirements of Subtitle H § 909 and the design guidelines of the H Street N.E. Strategic Development Plan.~~

CHAPTERS 12 through 59 [RESERVED]

CHAPTER 11 USE PERMISSIONS FOR NC ZONES is proposed to be renumbered as Chapter 60 and amended to read as follows:

CHAPTER ~~11~~ 60 USE PERMISSIONS FOR ~~NC~~ Neighborhood Mixed-Use ZONES

~~1100~~ 6000 GENERAL USE PERMISSIONS FOR ~~NC~~ NEIGHBORHOOD MIXED-USE ZONES

~~1100.1~~ **6000.1** This chapter contains use permissions, conditions, and special exceptions in the ~~NC-1 through NC-17~~ **Neighborhood Mixed-use** zones.

~~1100.2~~ **6000.2** Uses are permitted as a matter of right, as a matter of right with conditions, or as a special exception.

~~1100.3~~ **6000.3** A condition on a matter-of-right use may limit a use category to one (1) or more specific uses, modify the characteristic(s) of a use, or limit a use to specific zone.

~~1100.4~~ **6000.4** Uses are permitted as either principal or accessory uses unless specifically permitted as only a principal or accessory use.

~~1100.5~~ **6000.5** "Other Accessory Uses" shall be those that are customarily incidental and subordinate to the principal uses permitted in this chapter.

~~1100.6~~ **6000.6** Designated uses, as described by this chapter, shall be provided pursuant to the requirements of Subtitle H §~~1101~~ **6001**. All other uses shall be provided pursuant to the requirements of this chapter.

~~1100.7~~ **6000.7** Antennas in ~~NC~~ **Neighborhood Mixed-use** zones shall be controlled by Subtitle C, Chapter 13.

~~1100.8~~ **6000.8** Use groups for the ~~NC~~ **Neighborhood Mixed-use** zones are as follows:

TABLE H § ~~1100.8~~ 6000.8: Neighborhood Mixed-use -USE GROUPS:

~~NC~~-Use Group A	~~NC~~-Use Group B	~~NC~~-Use Group C
~~NC-1~~ **MU-3A/MW**	~~NC-2~~ **MU-4/TK** ~~NC-3~~ **MU-4/CP** ~~NC-4~~ **MU-4/WP** ~~NC-7~~ **MU-4/GA** ~~NC-9~~ **MU-4/HS-H** ~~NC-10~~ **MU-5A/HS-H** ~~NC-11~~ **MU-6/HS-H** ~~NC-14~~ **MU-4/HS-A** ~~NC-16~~ **MU-4/HS-R** ~~NC-17~~ **MU-5A/HS-R**	~~NC-5~~ **MU-5A/WP** ~~NC-6~~ **MU-7/ES** ~~NC-8~~ **MU-7/GA** ~~NC-12~~ **MU-7/HS-H** ~~NC-13~~ **MU-8/HS-H** ~~NC-15~~ **MU-7/HS-A**

~~1101~~ 6001 DESIGNATED AND RESTRICTED USES

~~1101.1~~ **6001.1** Any building that occupies or is constructed on a lot in a designated use area within ~~an NC~~ **a Neighborhood Mixed-use** zone shall provide designated retail and service

establishments on the ground level according to the requirements of this chapter and any additional requirements of the particular zone.

~~1101.2~~ **6001.2** The ~~NC~~ **Neighborhood Mixed-use** zone designated uses, for the purposes of this subtitle, are those permitted in the following use groups subject to any conditions of this section:

(a) Animal care or animal boarding;

(b) Arts, design, and creation;

(c) Eating and drinking establishments;

(d) Entertainment and performing arts;

(e) Financial and general services; and

(f) Retail.

~~1101.3~~ **6001.3** The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:

(a) No more than twenty percent (20%) of the ground floor level area shall be financial services, travel agencies, or other ticket offices;

(b) Except in the ~~NC-6 and NC-9 through NC-17~~ **MU-7/ES, MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS-R and MU-5A/HS-R** zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:

(1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC zone, as measured along the lots in the designated use area in the particular district; and

(2) Except for fast food establishments, eating and drinking establishments may occupy the full ground floor requirements of Subtitle H § ~~1101.3~~ **6001.3**; provided, that they shall remain subject to the linear street frontage requirement of Subtitle H §~~1101.3(b)(1)~~ **6001.3(b)(1)**;

(c) In the ~~NC-6~~ **MU-7/ES** zone, eating and drinking establishments shall occupy no more than fifty percent (50%) of the linear street frontage as measured along the lots that face the designated roadway of which no more than one-half (0.5) of the 50% of the linear street frontage shall be occupied by fast food establishments and prepared food shops;

(d) In those parts of the affected building or lot other than as delineated in this section, the matter-of right use provisions of the zone shall apply; and

(e) For the purposes of this section the designated use areas of ~~NC-4 and NC-5~~ **MU-4/WP and MU-5A/WP** shall be treated as a single zone.

~~1101.4~~ **6001.4** The following conditions shall apply to the matter-of-right designated uses in a designated use area in the specified ~~NC~~ **Neighborhood Mixed-use** zones:

(a) In the ~~NC-1~~ **MU-3A/MW** zone, entertainment and performing arts shall not be considered a designated use;

(b) In the ~~NC-2, NC-9, NC-10, NC-11, NC-12, and NC-13~~ **MU-4/TK, MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H, and MU-8/HS-H** zones, residential uses may also be considered designated uses;

(c) In the ~~NC-3~~ **MU-4/CP** zone, no dwelling unit or rooming unit in existence as of October 1, 1987, shall be converted to any nonresidential use or to a transient use such as hotel or inn; provided, that this restriction shall not apply to the ground floor of the building; that is, that floor that is nearest in grade elevation to the sidewalk;

(d) In the ~~NC-7 and NC-8~~ **MU-4/GA and MU-7/GA** zones, liquor stores and pawn shops shall not be permitted;

(e) In the ~~NC-12 and NC-13~~ **MU-7/HS-H and MU-8/HS-H** zones, catering establishments and bakeries may also be considered designated uses;

(f) In the ~~NC-14 and NC-15~~ **MU-4/HS-A and MU-7/HS-A** zones, designated uses shall be limited to uses within the arts, design and creation, and the eating and drinking use categories; and

(g) In all ~~NC~~ **Neighborhood Mixed-use** zones, animal care as a matter-of-right designated use shall be limited to:

(1) An establishment used by a licensed veterinarian for the practice of veterinary medicine subject to the following:

(A) No more than fifty percent (50%) of the gross floor area of the veterinary office may be devoted to the boarding of animals;

(B) The veterinary office shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

(C) The veterinary office shall not abut an existing residential use or a residential zone;

(D) External yards or other external facilities for the keeping of animals shall not be permitted; and

(E) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence shall be permitted as accessory uses;

(2) An animal grooming business provided there are no boarding facilities, and no external yards or other external facilities for the keeping of animals; and

(3) An animal boarding use located in a basement or cellar space subject to the following:

(A) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;

(B) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;

(C) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall be solid core;

(D) No animals shall be permitted in an external yard on the premises;

(E) Animal waste shall be placed in a closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;

(F) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and

(G) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable.

~~1101.5~~ **6001.5** No drive-through or drive-in operation shall be permitted in any ~~NC~~ **Neighborhood Mixed-use** zone as a principal or accessory use.

~~1102~~ 6002 USES IN ~~NC~~ NEIGHBORHOOD MIXED-USE ZONES

~~1102.1~~ **6002.1** Uses in those parts of a building or lot in an ~~NC~~ **Neighborhood Mixed-use** zone that are not within a designated use area shall be permitted by Subtitle H § ~~1103~~ **6003** and the remainder of this chapter.

~~1102.1~~ **6002.2** When there is a difference between use permissions and conditions of this section and the designated use provisions, the more restrictive provisions or conditions shall apply.

~~1103~~ 6003 MATTER-OF-RIGHT USES (~~NC~~ NEIGHBORHOOD MIXED-USE -USE GROUPS A, B, AND C)

~~1103.1~~ **6003.1** The following uses in this section shall be permitted as a matter of right:

(a) ~~NC~~ **Neighborhood Mixed-use** zone designated uses;

(b) Agriculture, large;

(c) Arts, design, and creation;

(d) Chancery;

(e) Community solar facility, subject to the following conditions:

(1) Roof-mounted solar array of any size; or

(2) Ground-mounted solar array, subject to the following requirements:

(A) Measures no greater than twenty feet (20 ft.) in height;

(B) Has an aggregate panel face area of one-and-one half (1.5) acres or less;

(C) Meets the yard and height development standards of the zone; and

(D) Where the panels are sited no less than forty feet (40 ft.), including any intervening street or alley, from an adjacent property in the R, RF, or RA-1 zone.

(f) Daytime care;

(g) Education, private;

(h) Education, public;

(i) Government, local;

(j) Health care;

(k) Institutional, general and religious;

(l) Office, including chancery;

(m) Parking;

(n) Parks and recreation;

(o) Residential;

(p) Retail;

(q) Services, financial; and

(r) Transportation infrastructure.

~~1104~~ **6004 MATTER-OF-RIGHT USES (~~NC~~ USE GROUP A)**

~~1104.1~~ **6004.1** The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

(a) Uses permitted as a matter of right in any R, RF, or RA zone;

(b) Any use permitted in Subtitle H §~~1103~~ **6003**;

(c) Animal care and boarding uses subject to the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**;

(d) [DELETED];

(e) Eating and drinking establishment uses, except for:

(1) A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and

(2) A fast food establishment and a food delivery business shall not be permitted as a matter of right;

(f) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;

(g) Entertainment, assembly, and performing arts uses, except for a bowling alley;

(h) Motor vehicle uses limited to the following and subject to the corresponding conditions:

(1) Gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy;

(2) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:

(A) All portions of the gasoline service station shall be located entirely within the garage;

(B) No part of the accessory use shall be visible from a sidewalk; and

(C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;

(i) Service (general) uses except that a self-service or full service laundry, or dry cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry cleaning chemicals shall be used or stored on site; and

(j) Utilities uses limited to optical transmission nodes.

~~1105~~ 6005 SPECIAL EXCEPTION USES (~~NC~~ USE GROUP A)

~~1105.1~~ **6005.1** In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Animal boarding uses not meeting the conditions of Subtitle H § ~~1101.4 (g)(3)~~ **6001.4(g)(3)**, subject to the following:

(1) The animal boarding use shall take place entirely within an enclosed building;

(2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

(3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;

(4) No animals shall be permitted in an external yard on the premises;

(5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;

(6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;

(7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;

(8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property; and

(9) External yards or other exterior facilities for the keeping of animals shall not be permitted.

(b) Animal care uses, not meeting the conditions of Subtitle H § ~~1101.4(g)~~ **6001.4(g)**, subject to the following:

(1) The use shall not be located on a lot that abuts an R, RF, or RA zone;

(2) The use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

(3) The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed;

(4) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by an air filtration system (for example, High Efficiently Particulate Air "HEPA" filtration) or an equivalently effective odor control system;

(5) External yards or other external facilities for the keeping of animals shall not be permitted;

(6) The sale of pet supplies shall be permitted as an accessory use;

(7) The principal use shall not be for the housing, feeding and care of stray or abandoned animals whether for profit or not for profit; and

(8) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of building entrances or exits; buffers, fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board of Zoning Adjustment deems necessary to protect adjacent or nearby property;

(c) Community-based institutional facilities provided that the use shall house no more than to fifteen (15) persons, not including resident supervisors or staff and their families;

(d) Community solar facility not meeting the requirements of Subtitle H § ~~1103.1(e)~~ **6003.1(e)**, subject to the following conditions:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;

(e) Emergency shelter uses for up to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the following conditions:

(1) There shall be no other property containing an emergency shelter for seven (7) or more persons in the same square, or within a radius of five hundred feet (500 ft.) from any portion of the property;

(2) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

(3) The proposed shelter shall meet all applicable code and licensing requirements;

(4) The shelter shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and

(5) The Board of Zoning Adjustment may approve more than one (1) Emergency Shelter use in a square or within five hundred feet (500 ft.) from the property only when the Board of Zoning Adjustment finds that the cumulative effect of the shelters will not have an adverse impact on the neighborhood because of traffic, noise, or operations;

(f) Eating and drinking establishment use that is a prepared food shop with more than twenty-four (24) seats;

(g) Education, college/university uses shall be permitted as a special exception subject to Subtitle X §102;

(h) Motor vehicle-related uses limited to the following and subject to the corresponding conditions:

(1) The use is a gasoline service station to be established or enlarged, subject to the following conditions;

(2) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;

(3) The operation of the use shall not create dangerous or other objectionable traffic conditions; and

(4) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space; and

(i) Utilities uses, other than an optical transmission node, but not including an EEF use, subject to the use not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement; and

~~1106.1~~ 6006.1MATTER-OF-RIGHT USES (~~NC~~ USE GROUP B)

~~1106.1~~ **6006.1 The** following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

(a) Uses permitted as a matter of right in any R, RF, or RA zone;

(b) Any uses permitted in Subtitle H § ~~1103~~ **6003**;

(c) Animal care and boarding uses subject to the conditions of Subtitle H § ~~1101.4(g)~~ **6001.4(g)**;

(d) [DELETED];

(e) Eating and drinking establishment uses, except for:

(1) A prepared food shop shall be permitted as a matter of right with seating for no more than twenty-four (24) patrons; and

(2) A fast food establishment and a food delivery business shall not be permitted as a matter of right;

(f) Emergency shelter use for no more than four (4) persons, not including resident supervisors or staff and their families;

(g) Education uses in the ~~NC-10, NC-11, and NC-17~~ **MU-5A/HS-H, MU-6/HS-H and MU-5A/HS-R** zones only;

(h) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:

(1) An R, RF, RA, MU-1, or MU-2 zone; or

(2) A place of worship, public or private school, public library, or playground;

(i) Lodging uses, except that they shall not be permitted in the ~~NC-3 and NC-4~~ **MU-4/CP and MU-4/WP** zones;

(j) Motor vehicle uses shall be limited to the following and subject to the corresponding conditions:

(1) An automobile rental agency;

(2) A car wash with stacking spaces for a minimum of fifteen (15) cars;

(3) A gasoline service station with a valid certificate of occupancy that has not been replaced by another use with a valid certificate of occupancy; and

(4) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:

(A) All portions of the gasoline service station shall be located entirely within the garage;

(B) No part of the accessory use shall be visible from a sidewalk; and

(C) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;

(k) Service (general) uses subject to the following limitations and corresponding conditions:

(1) A self-service or full service laundry, or dry cleaning establishment shall not exceed two thousand five hundred square feet (2,500 sq. ft.) of gross floor area and no dry cleaning chemicals shall be used or stored on site; and

(2) Any establishment that has as a principal use the administration of massage shall not be permitted as a matter of right; and

(l) Utilities uses limited to optical transmission nodes.

~~1107~~ 6007 SPECIAL EXCEPTION USES (~~NC~~ USE GROUP B)

~~1107.1~~**6007.1** In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Animal care and boarding uses not meeting the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**, subject to the conditions of Subtitle H § ~~1105.1(a)~~ **6005.1(a)**;

(b) Community-based institutional facilities provided that the use shall house no more than twenty (20) persons, not including resident supervisors or staff and their families;

(c) Community solar facility not meeting the requirements of Subtitle H § ~~1103.1(e)~~ **6003.1(e)**, subject to the following:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report;

(d) Emergency shelter uses for up to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions in Subtitle H § ~~1105.1(c)~~ **6005.1(c)**;

(e) Eating and drinking establishment uses as follows:

(1) Prepared food shop with seating for more than twenty-four (24) patrons; and

(2) Fast food establishments or food delivery businesses shall be permitted, subject to the following conditions:

(A) The uses shall not be permitted in the NC-4 zone;

(B) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of an R, RA, or RF zone unless separated therefrom by a street or alley;

(C) If any lot line of the lot abuts an alley containing a zone district boundary line for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;

(D) Any refuse dumpsters shall be housed in a three- (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face an R, RA, or RF zone;

(E) The use shall not include a drive-through;

(F) There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a residential zone; and

(G) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;

(f) Education, college/university uses subject to Subtitle X § 102, in all the other zones in ~~NC~~ Use Group B that are not allowed as a matter of right;

(g) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:

(1) The uses shall not be permitted in the ~~NC-14 and NC-16~~ **MU-4/HS-A and MU-4/HS-R** zones; and

(2) A gasoline service station or repair garage not including body or fender work, subject to the following conditions:

(A) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;

(B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and

(C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;

(h) Motorcycle sales and repair uses subject to the following conditions:

(1) The use and all its accessory facilities shall be located within a building; and

(2) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of a R, RF, RA, MU-1, and MU-2 zone;

(i) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:

(1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;

(2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(A) Strip zoning or shallow zoning depth;

(B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

(C) Unusual topography, grades, shape, size, or dimensions of the lot;

(D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or

(E) Traffic hazards caused by unusual street grades or other conditions; and

(3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

(j) The following service (general) uses:

(1) A self-service or full service laundry or dry cleaning establishment that exceeds two thousand five hundred square feet (2,500 sq. ft.) of gross floor area; and

(2) An establishment that has as a principal use the administration of massage; and

(k) Utilities uses, other than an optical transmission node, but not including an EEF use, provided the Board of Zoning Adjustment concludes the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

~~1108~~ **6008 MATTER-OF-RIGHT USES (~~NC~~ USE GROUP C)**

~~1108.1~~ **6008.1** The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

(a) Uses permitted as a matter of right in any R, RF, or RA zone;

(b) Uses permitted in Subtitle H § ~~1103~~ **6003**;

(c) Animal care and boarding uses subject to the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**;

(d) [DELETED];

(e) Eating and drinking establishment uses, except a fast food establishment shall not be permitted as a matter of right;

(f) Firearms retail sales establishments, except that no portion of the establishment shall be located within three hundred feet (300 ft.) of:

(1) An R, RF, RA, MU-1, or MU-2 zone; or

(2) A place of worship, public or private school, public library, or playground;

(g) Lodging uses shall not be permitted in the ~~NC-5~~ **MU-5A/WP** zone;

(h) Service (general) uses subject to the following limitations and corresponding conditions:

(1) A self-service or full service laundry or dry cleaning establishment shall not exceed five thousand square feet (5,000 sq. ft.) of gross floor area, and no dry cleaning chemicals shall be used or stored on site; and

(2) Any establishment that has as a principal use the administration of massage shall not be permitted; and

(i) Utilities uses subject to the following limitations and conditions:

(1) The use is an optical transmission node; and

(2) The use is an EEF that occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building; or

(3) The use is located below ground floor.

~~1109~~ 6009 SPECIAL EXCEPTION USES (~~NC~~ USE GROUP C)

~~1109.1~~ **6009.1** In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Animal care and boarding uses not meeting the conditions of Subtitle H § ~~1101.4(h)~~ **6001.4(h)**, subject to the conditions of Subtitle H § ~~1105.1(a)~~ **6005.1(a)**;

(b) Community solar facility not meeting the requirements of Subtitle H §~~1103.1(e)~~ **6003.1(e)**, subject to the following conditions:

(1) Provision of a landscaped area at least five feet (5 ft.) wide facing public space, residential use, or parks and recreation use, regardless of zone, that:

(A) Maintains as many existing native trees as possible;

(B) Includes a diverse mix of native trees, shrubs, and plants, and avoids planting a monoculture;

(C) Ensures all trees measure a minimum of six feet (6 ft.) in height at the time of planting; and

(2) The Application, including the landscape plan, shall be referred to the District Department of Energy and Environment for review and report.

(c) Eating and drinking establishment use that is a fast food establishment, subject to the conditions of Subtitle H § ~~1107.1(d)~~ **6007.1(d)**; except that the use shall not be permitted in the ~~NC 5~~ **MU-5A/WP** zone;

(d) Motor vehicle-related uses are not permitted except for the following uses subject to the corresponding conditions:

(1) A gasoline service station or repair garage, subject to the following conditions:

(A) The use shall not be located within twenty-five feet (25 ft.) of an R, RF, or RA zone;

(B) The operation of the use shall not create dangerous or other objectionable traffic conditions; and

(C) Parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces shall be designed to allow parking and removal of any vehicles without moving any other vehicle onto public space;

(2) Motorcycle sales and repair uses, subject to the following conditions:

(A) The use and all its accessory facilities shall be located within a building; and

(B) No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of an R, RF, RA, MU-1 or MU-2 zone;

(e) Parking uses: Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use subject to the following conditions:

(1) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use;

(2) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(A) Strip zoning or shallow zoning depth;

(B) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

(C) Unusual topography, grades, shape, size, or dimensions of the lot;

(D) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or

(E) Traffic hazards caused by unusual street grades or other conditions; and

(3) The parking spaces shall be located, and all facilities in relation to the parking spaces shall be designed, so that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;

(f) An automated parking garage as a principal use located and designed so as it is not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions;

(g) Service (general) uses not meeting the conditions of Subtitle H §~~1108.1(h)~~ **6008.1(h)**; and

(h) Utility (basic) uses not meeting the conditions of Subtitle H § ~~1108.1(i)~~ **6008.1 (i)** and subject to the use will not, as a consequence of its design, operation, low employee presence, or proximity to other electronic equipment facilities inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.

~~1110~~ 6010 USES NOT PERMITTED IN ~~NC~~ NEIGHBORHOOD MIXED-USE ZONES

~~1110.1~~ **6010.1** Any use not permitted as a matter of right or as a special exception in this chapter shall be deemed to be not permitted.

CHAPTER 49, PUBLIC SCHOOLS, is proposed to be deleted in its entirety.

~~**CHAPTER 49 PUBLIC SCHOOLS**~~

~~**4900 GENERAL PROVISIONS**~~

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

~~**4901 DEVELOPMENT STANDARDS**~~

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

~~**4902 PENTHOUSES**~~

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

~~**4903 REAR YARD**~~

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

~~**4904 SIDE YARD**~~

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

~~**4905 SPECIAL EXCEPTION**~~

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

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

TIME AND PLACE: **Thursday, September 17, 2020, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date[1]

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 19-30 (ANC 5D – Map Amendment @ Square 4494, Lots 38-55, 75-82, 85-90, 827, & 843; Square 4495, Lots 2-66; Square 4506, Lots 85-139, 141-166, 803, 805, 809, 811, 813, 817, 819, 821, & 823; Square 4507, Lots 89-101, 112-121, 123, 125-132, 138-164, 166-170, 935, 937[2], 938, 940, 943 & 944[3]; and Parcel 160/22 & 160/38 (southern portion))

THIS CASE IS OF INTEREST TO ANCs 5D, 6A & 7D

ANC 5D filed a petition on December 1, 2019 (Exhibit 1, revised on December 11, 2019 (Exhibit 1B), and on May 5, 2020 (Exhibit 17) (collectively, the "Petition")), 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") approve an amendment to the Zoning Map to change the zoning for:

- The following properties from the RA-2 to the RF-4 zone (the "Proposed RF-4 Area"):
  - Square 4494: Lots 38-55, 75-82, 85-90, 827, and 843
  - Square 4495: Lots 2-66
  - Square 4506: Lots 88-139 and 141-163
  - Square 4507: 89-101, 112-118, and 143-164
- The following properties from MU-4 to the MU-5A zone (the "Proposed MU-5A Area"):
  - Square 4506: Lots 85-87, 164-166, 803, 805, 809, 811, 813, 817, 819, 821, and 823
  - Square 4507: Lots 119-121, 123, 125-132, 138-142, 166-170, 935, 937, 938, 940, 943, and 944
  - Parcel 160/22 and 160/38 (southern portion)

Proposed RF-4 Area
The Proposed RF-4 Area includes approximately 13.5 acres of land between 18th and 21st Streets, N.E. on both sides of H Street, N.E. and is characterized by two-story residential rowhouses.

The Comprehensive Plan the ("CP") designates the Proposed RF-4 Area on the General Policy Map ("GPM") as a Neighborhood Conservation Area, which the CP describes as generally residential neighborhoods with little vacant or underutilized land in which new development,

[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. 4, *How to participate as a witness – written statements*.)
[2] The Petition incorrectly identified Lot 937 as being in Square 4494 in the GIS table, but correctly identified it as being in Square 4507 in the list of addresses subject to the Petition.
[3] Lots 943 and 944 are the assessment and taxation lots that correspond to record lots 122 and 124 listed by the Petition.

redevelopment and alterations should be compatible with the existing scale, natural features, and character of the neighborhood. The CP's Future Land Use Map (the "FLUM") designates the Proposed RF-4 Area, except for Lot 66 in Square 4495, for Moderate Density Residential uses, which the CP contemplates for neighborhoods with mostly rowhouses and low-rise garden apartment complexes. The CP identified both the current RA-2 zone and the proposed RF-4 zone as consistent with the Moderate Density Residential category. The FLUM designates Lot 66 in Square 4495 for Medium Density Residential, which the CP contemplates for neighborhoods composed generally of mid-rise apartment buildings, although pockets of low or moderate density housing may be included. The CP identifies the RA-3 zone as consistent with Medium Density Residential uses, although other zones may also be consistent.

The current RA-2 zoning of the Proposed RF-4 Area is intended to provide for areas development with predominantly moderate-density residential. The RA-2 zone has no limits on residential units; no minimum lot dimensions; a maximum building height of 50 feet; a maximum lot occupancy of 60%; and a maximum floor area ratio ("FAR") of 1.8 (2.6 for developments subject to Inclusionary Zoning ("IZ")).

The proposed RF-4 zone is intended to provide for areas predominantly developed with row houses of three (3) or more stories, within which may also exist a mix of apartment buildings, and to promote the continued row house character and appearance of these areas as well as the residential use of larger row house buildings. The RF-4 zone has a maximum of three residential units; 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 sf for all other structures (1,500 sf for IZ developments) and minimum lot width of 18 ft for row dwellings or flats, 30 ft for semi-detached dwellings, and 40 ft for all other structures (18 ft for IZ developments); a maximum building height of 3 stories and 40 feet; a maximum lot occupancy of 60%; and a maximum FAR of 1.8.

Proposed MU-5A Area

The Proposed MU-5A Area includes approximately 4.3 acres of land on the north side of Benning Road, N.E. between 17th and 21st Streets, N.E. and is characterized by a variety of two- and three-story residential rowhouses, three-story mixed-use buildings, low-rise retail uses, a gas station, and a decommissioned power plant.

The CP designates the western fourth of the Proposed MU-5A Area (Lots 127-132, 138-142, and 166-170 in Square 4507) on the GPM as a Neighborhood Conservation Area. The GPM designates the remainder of the Proposed MU-5A Area as a Main Street Mixed Used Corridor, which the CP describes as pedestrian oriented commercial business corridors with traditional storefronts, with upper-story residential or office uses. The FLUM designates most of the Proposed MU-5A Area for Moderate Density Residential uses, with the remaining eastern fourth designated for Medium Density Residential uses. Although the definitions of the Moderate and Medium Density Residential use categories do not specifically identify the current MU-4 zone or proposed MU-5A zone as consistent with these use categories, both use categories specify that other zones may apply.

The current MU-4 zoning of the Proposed MU-5A Area is intended to provide for moderate-density mixed-use development providing office, retail, and housing facilities in low- and

moderate-density residential areas with access to main roadways or transit stops. The MU-4 zone has a maximum height of 50 feet; a maximum lot occupancy for residential use of 60% (75% for IZ developments); and a maximum FAR of 2.5 (3.0 for IZ developments), with a maximum 1.5 non-residential FAR.

The proposed MU-5A zoning is intended to provide for medium-density mixed-use development with an emphasis on residential use providing office, retail, and housing facilities on arterial streets and rapid transit stops. The MU-5A zone has a maximum height of 65 feet (70 feet for IZ developments); a maximum lot occupancy for residential use of 80%; and a maximum FAR of 3.5 (4.2 for IZ developments), with a maximum 1.5 non-residential FAR.

The Office of Planning ("OP") filed an April 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 for the Proposed RF-4 Area because the proposed RF-4 zoning would consistent with the GPM's Neighborhood Conservation Area designation as maintaining the current neighborhood character while allowing smaller apartment houses, as well as with the FLUM's Moderate-Density Residential designation for most of the Proposed RF-4 Area. The OP Setdown Report also concluded that Application's proposed map amendment for the Proposed MU-5A Area would not be inconsistent with the CP because the proposed MU-5A zoning would align with the GPM's Main Street Mixed-Use Corridor designation for most of the Proposed MU-5A Area, echoed by the CP's Upper Northeast Area Element and Small Area Plan, which together with the historic and current uses as a mixed-use neighborhood commercial corridor outweigh the FLUM's Moderate- and Medium-Density Residential designation.

The Commission voted to set down the Petition for a public hearing as a rulemaking at its April 27, 2020, public meeting, and approved a revised setdown to add Lot 827 in Square 4494 to the Proposed RF-4 Area at its May 11, 2020, public meeting.

The complete record in the case, including the Petition and the OP report, as well as the video and transcript of the Commission's public meetings 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

The Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq*. (2018 Repl.)) authorizes the Commission to consider and approved proposed amendments to the Zoning Map of the District of Columbia.

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

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

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

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

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

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

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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.

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

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Supp. & 2019 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of an amendment to Chapter 97 (Adult Day Health Program Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules establish standards for adult day health program services that govern eligibility criteria for beneficiaries, conditions of participation for providers, and provider reimbursement. Adult day health services are designed to encourage older adults to live in the community by offering non-residential medical supports; provide supervised therapeutic activities in an integrated community setting that foster opportunities for community inclusion; and deter more costly facility-based care. This rulemaking corresponds to a State Plan Amendment (SPA), which was approved by the Centers for Medicare and Medicaid Services (CMS) on March 18, 2020 with an effective date of April 1, 2020.

This final rulemaking reflects DHCF's renewal of the 1915(i) Adult Day Health Program (ADHP), effective April 1, 2020, and incorporates changes to the program consistent with federal requirements and updates made to the 1915(i) State Plan Home and Community-Based Services (HCBS) template, issued by CMS. DHCF expects total Medicaid expenditures to increase by $6,401,470 in Fiscal Year 2020 as a result of these changes.

This rulemaking amends Section 9701, governing eligibility requirements, to clarify eligiblity requirements set forth under the State Plan with respect to a beneficiary's indication of need for services. In accordance with 42 CFR 441.710(c) and 441.720(a)(5), individuals are considered enrolled in the State Plan HCBS benefit only if they (1) meet the eligibility and needs-based criteria for the benefit, and are (2) also assessed to require and receive at least one home and community-based service offered under the State Plan for medical assistance, at a frequency determined by the state. The regulations lacked specificity with regard to the frequency at which a beneficiary must be assessed to be eligible for enrollment in the ADHP program. DHCF is amending § 9701.1(e) to clarify this program eligibility requirement. An individual must require the provision of at least one 1915(i) ADHP service, as documented in the person-centered service plan, on a monthly-basis, to be eligible for enrollment into the 1915(i) ADHP.

Additionally, this rulemaking amends Section 9721, governing service limitations, to eliminate the cap on hours for individuals receiving Personal Care Aide (PCA) services under the State Plan on the same day as the individual receives ADHP services. The service limitation was creating barriers for Medicaid beneficiaries who needed both services in a single day. The

limitation also posed challenges for providers with regard to billing for the concurrent provision of PCA and ADHP services. For these reasons, DHCF is removing the limitation.

Finally, this rulemaking amends Section 9723, governing reimbursement policy, to reflect that, effective April 1, 2020, ADHP services shall be reimbursed in accordance with the District of Columbia Medicaid Fee Schedule.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 13, 2020 at 67 DCR 002942. No comments were received and no changes were made.

The Director adopted these rules as final on June 2, 2020 and they shall become effective on the date of publication of this rulemaking in the *D.C. Register.*

Chapter 97, ADULT DAY HEALTH PROGRAM SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 9701, ELIGIBILITY REQUIREMENTS, is amended to read as follows:

9701 ELIGIBILITY REQUIREMENTS

9701.1 To qualify for ADHP services under these rules, the Medicaid beneficiary shall meet the following criteria:

(a) Be age fifty-five (55) and older;

(b) Be an adult with a chronic medical condition diagnosed by a physician;

(c) Have income up to one hundred fifty percent (150%) of the federal poverty level (FPL);

(d) Be in receipt of an assessment determination authorizing, and specifying the level of need for ADHP services in accordance with Section 9709 of this chapter; and

(e) Require provision of at least one (1) ADHP service on a monthly basis, as reflected in the beneficiary's assessment documentation described in Subsection 9709.3(d).

Section 9721, SERVICE LIMITATIONS, is amended to read as follows:

9721 SERVICE LIMITATIONS

9721.1 A person shall not receive ADHP services if they reside in an institutional setting or any setting that is not in compliance with the HCBS setting requirements consistent with 42 CFR § 441.301 and 42 CFR § 441.710.

9721.2 A provider shall not be reimbursed for ADHP services under these rules if the participant is concurrently receiving the following services:

(a) Day Habilitation and Individualized Day Supports under the Section 1915(c) Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD);

(b) Intensive day treatment or day treatment mental health rehabilitative services (MHRS);

(c) Personal Care Aide (PCA) services (State Plan and 1915(c) waivers); or

(d) Adult day care or day services funded by the Older Americans Act of 1965, approved July 14, 1965 (Pub. L. No. 89-73, 79 Stat. 218), as amended by the Older Americans Act Amendments of 2000, approved November 13, 2000 (Pub. L. No. 106-501, 114 Stat. 2226), as amended by the Older Americans Act Amendments of 2006, approved October 17, 2006 (Pub. L. No. 109-365, 120 Stat. 2522).

9721.3 DHCF shall not reimburse ADHP services if the participant is also receiving or being billed for the services listed under Subsection 9721.2 at the same time the participant is in attendance at the ADHP site.

9721.4 A provider shall not be reimbursed for ADHP services if the participant is receiving intensive day treatment mental health rehabilitation services during a twenty-four (24) period that immediately precedes or follows the receipt of ADHP services, to ensure that the participant is receiving services in the setting most appropriate to his/her clinical needs.

9721.5 ADHP services shall not be provided for more than five (5) days per week and for more than eight (8) hours per day.

Section 9723, REIMBURSEMENT POLICY, is amended to read as follows:

9723 REIMBURSEMENT POLICY

9723.1 Reimbursement rates shall be based on a uniform per diem rate that is differentiated based on the participant's acuity level as established by the standardized need- based assessment tool and process described under Section 9709, as follows:

(a) Acuity Level One (1) represents the health and support needs of a beneficiary whose needs based assessment reflects a minimum score of four (4); and

(b) Acuity Level Two (2) represents the health and support needs of a beneficiary whose needs based assessment reflects a score of six (6) or higher.

9723.2 Beginning April 1, 2020, the reimbursement rate for ADHP services shall be as follows:

(a) Acuity Level One (1): The daily rate for a program serving participants with minimum acuity levels with at least one staff member during all hours shall be reimbursed in accordance with the District of Columbia Medicaid Fee Schedule schedule available online at www.dc-medicaid.com; and

(b) Acuity Level Two (2): The daily rate for a program serving participants with a maximum acuity level with at least one staff member shall be reimbursed in accordance with the District of Columbia Medicaid Fee Schedule schedule available online at www.dc-medicaid.com.

9723.3 DHCF may make periodic adjustments to the uniform per-diem rates. Uniform per-diem rates may be inflated by the corresponding CMS Market Basket Index for Nursing Facilities for that period.

9723.4 All future updates to the reimbursement rates for ADHP services shall comply with the public notice requirements set forth under § 988.4 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations (DCMR) and provide an opportunity for meaningful comment.

9723.5 A public notice of ADHP rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change, and shall include a link to the Medicaid fee schedule and information on how written comments can be submitted to DHCF.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and the Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 65 (Pharmacists) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for pharmacists to include continuing education in public health priorities as determined and amended from time to time by the Director, and require applicants for renewal, reinstatement, or reactivation of a license to respond to the Board's audit request within thirty (30) days of receipt of the request.

This rulemaking was published in the *D.C. Register* on December 20, 2019 at 66 DCR 016428. No comments were received during the allotted thirty (30) day time period. No changes have been made to the document.

These rules were adopted as final on May 18, 2020 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 65, PHARMACISTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 6513, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

6513.1 Except as provided in § 6513.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a pharmacist license.

6513.2 This section shall not apply to applicants for an initial license by examination or reciprocity, nor does it apply to applicants for the first renewal of a license.

6513.3 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 6514 of this chapter.

6513.4 For the licensure period ending February 28, 2021, an applicant for renewal of a license shall:

(a) Have completed a minimum of forty (40) contact hours of continuing education credit in approved programs during the two (2) year period preceding the date the license expires, which shall include at least:

(1) Two (2) hours in Human Immunodeficiency Virus (HIV) training;

(2) Two (2) hours in medication/dispensing errors training; and

(3) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

6513.5 Beginning with the licensure period ending February 28, 2023, an applicant for renewal of a license shall:

(a) Have completed a minimum of forty (40) contact hours of continuing education credit in approved programs during the two (2) year period preceding the date the license expires, which shall include at least:

(1) Two (2) hours in medication/dispensing errors training;

(2) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(3) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website; and

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

6513.6 Not more than thirty (30) contact hours of continuing education credit may be accepted in any renewal period, or for reinstatement or reactivation of a license for approved home study or other mediated instruction continuing education courses.

6513.7 A minimum of ten (10) contact hours of the required forty (40) continuing education credits shall be obtained by attendance at live continuing education programs.

6513.8 For the licensure period ending February 28, 2021, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) for five (5) years or less, who submits an application to reactivate a license, shall submit proof, pursuant to § 6513.14, of having completed twenty (20) contact hours of approved continuing education credit in the year immediately preceding the date of the application, which shall include at least:

(a) Two (2) hours in Human Immunodeficiency Virus (HIV) Training;

(b) Two (2) hours in medication/dispensing errors training; and

(c) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ"), meeting the requirements of D.C. Official Code § 3-1205.10(b)(5).

6513.9 Beginning with the licensure period ending February 28, 2023, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) for five (5) years or less, who submits an application to reactivate a license, shall submit proof, pursuant to § 6513.14, of having completed twenty (20) contact hours of approved continuing education credit in the year immediately preceding the date of the application, which shall include at least:

(a) Two (2) hours in medication/dispensing errors training;

(b) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ"), meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(c) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C.*

Register. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

6513.10 For the licensure period ending February 28, 2021, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) for more than five (5) years, who submits an application to reactivate a license shall submit proof, pursuant to § 6513.14, of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

(a) Forty (40) contact hours of approved continuing education credit which shall include at least:

(1) Two (2) hours in Human Immunodeficiency Virus (HIV) training;

(2) Two (2) hours in medication/dispensing errors training; and

(3) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ"), meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a pharmacist performing tasks listed in § 6502.2(a).

6513.11 Beginning with the licensure period ending February 28, 2023, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) for more than five (5) years, who submits an application to reactivate a license shall submit proof, pursuant to § 6513.14, of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

(a) Forty (40) contact hours of approved continuing education credit which shall include at least:

(1) Two (2) hours in medication/dispensing errors training;

(2) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender

identity and expression ("LGBTQ"), meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(3) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website; and

(b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a pharmacist performing tasks listed in § 6502.2(a).

6513.12 For the licensure periods ending February 28, 2019, and February 28, 2021, to qualify for a license, an applicant for reinstatement of a license shall submit proof, pursuant to § 6513.14, of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

(a) Forty (40) contact hours of approved continuing education credit which shall include at least:

(1) Two (2) hours in Human Immunodeficiency Virus (HIV) Training;

(2) Two (2) hours in medication/dispensing errors training; and

(3) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ"), meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a pharmacist performing tasks listed in § 6502.2(a).

6513.13 Beginning with the licensure period ending February 28, 2023, to qualify for a license, an applicant for reinstatement of a license shall submit proof, pursuant to § 6513.14, of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

(a) Forty (40) contact hours of approved continuing education credit which shall include at least:

(1) Two (2) hours in medication/dispensing errors training;

(2) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ"), meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(3) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website; and

(b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a pharmacist performing tasks listed in § 6502.2(a).

6513.14 Except as provided in § 6513.16, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

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

(b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;

(c) The dates on which the applicant attended the program;

(d) The hours of credit claimed; and

(e) Verification by the sponsor of completion, by signature or stamp.

6513.15 The Board shall conduct a random audit of continuing education credits at the completion of each renewal period.

6513.16 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 6513.14 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

6513.17 Persons selected as a part of the Board's random audit shall provide all requested documentation within no more than thirty (30) calendar days after receipt of the audit request or having been deemed served with receipt, whichever comes first.

6513.18 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the renewal thereof.

6513.19 If an applicant for renewal of a license fails to renew the license and pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.

6513.20 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

(a) Serious and protracted illness of the applicant; and

(b) The death or serious and protracted illness of a member of the applicant's immediate family.

6513.21 An extension granted under this section shall not exempt the pharmacist from complying with the continuing education requirements for any other renewal period.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 83 (Pharmaceutical Detailers) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for pharmaceutical detailers to include continuing education in public health priorities as determined and amended from time to time by the Director, and require applicants for renewal, reinstatement, or reactivation of a license to respond to the Board's audit request within thirty (30) days of receipt of the request.

This rulemaking was published in the *D.C. Register* on October 25, 2019 at 66 DCR 014097. No comments were received during the allotted thirty (30) day time period. No changes have been made to the document.

These rules were adopted as final on May 18, 2020 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 83, PHARMACEUTICAL DETAILERS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 8306, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

8306.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license.

8306.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 8307 of this chapter.

8306.3 For the licensure period ending February 28, 2020, an applicant for renewal of a license shall:

(a) Have completed a minimum of fifteen (15) contact hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which shall include at least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual

orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.); and

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

8306.4 Beginning with the licensure period ending February 28, 2022, an applicant for renewal of a license shall:

(a) Have completed a minimum of fifteen (15) contact hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which:

(1) Shall include at least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.); and

(2) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website; and

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

8306.5 For the licensure period ending February 28, 2020, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) who submits an application to reactivate a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license, and which shall include:

(a) An additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year; and

(b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

8306.6 Beginning with the licensure period ending February 28, 2022, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) who submits an application to reactivate a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license, and which shall include:

(a) An additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year;

(b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5); and

(c) At least ten percent (10%) of the total required continuing education in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

8306.7 For the licensure period ending February 28, 2020, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license, and which shall include:

(a) An additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year; and

(b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5), obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year.

8306.8 Beginning with the licensure period ending February 28, 2022, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 8306.9 of having completed fifteen (15) hours of approved continuing education credit, obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license, and which shall include:

(a) An additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year;

(b) At least two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5), obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year; and

(c) Beginning with the renewal period ending February 28, 2022, at least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

8306.9 Except as provided in § 8306.11, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

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

(b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;

(c) The dates on which the applicant attended the program;

(d) The hours of credit claimed; and

(e) Verification by the sponsor of completion, by signature or stamp.

8306.10 The Board shall conduct a random audit of continuing education credits at the completion of each renewal period.

8306.11 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 8603.9 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

8306.12 Persons selected as a part of the Board's random audit shall provide all requested documentation within no more than thirty (30) calendar days after receipt of the audit request or having been deemed served with receipt, whichever comes first.

8306.13 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required additional late fee. Upon renewal, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the renewal thereof.

8306.14 If an applicant for renewal of a license fails to renew the license and pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.

8306.15 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

(a) Serious and protracted illness of the applicant; and

(b) The death or serious and protracted illness of a member of the applicant's immediate family.

8306.16 An extension granted under this section shall not exempt the licensee from complying with the continuing education requirements for any other renewal period.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and the Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 99 (Pharmacy Technicians) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for pharmacy technicians to include continuing education in public health priorities as determined and amended from time to time by the Director, and require applicants for renewal, reinstatement, or reactivation of a license to respond to the Board's audit request within thirty (30) days of receipt of the request.

This rulemaking was published in the *D.C. Register* on December 20, 2019 at 66 DCR 016435. No comments were received during the allotted thirty (30) day time period. No changes have been made to the document.

These rules were adopted as final on May 18, 2020 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 99, PHARMACY TECHNICIANS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 9907, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

9907.1 Except as provided in § 9907.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a pharmacy technician registration.

9907.2 This section shall not apply to applicants for the first renewal of a pharmacy technician registration.

9907.3 A continuing education credit shall be valid only if it is part of a program approved by the Board in accordance with § 9908 of this chapter.

9907.4 For the licensure period ending February 28, 2021, an applicant for renewal of a pharmacy technician registration shall:

(a) Have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter during the two (2) year period preceding the date the registration expires, which shall include at least:

(1) Two (2) contact hours of continuing education credit in pharmacy law;

(2) Two (2) contact hours in medication safety; and

(3) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5); and

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

9907.5 Beginning with the licensure period ending February 28, 2023, an applicant for renewal of a pharmacy technician registration shall:

(a) Have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter during the two (2) year period preceding the date the registration expires, which shall include at least:

(1) Two (2) contact hours of continuing education credit in pharmacy law;

(2) Two (2) contact hours in medication safety;

(3) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5); and

(4) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website; and

(b) Attest to completion of the required continuing education credits on the renewal application form; and

(c) Be subject to a random audit.

9907.6 For the purposes of this section, pharmacy-related subject matter shall include, but not be limited to, the following topics:

(a) Medication distribution;

(b) Inventory control systems;

(c) Pharmaceutical mathematics;

(d) Pharmaceutical sciences;

(e) Pharmacy law;

(f) Pharmacology/drug therapy;

(g) Pharmacy quality assurance; and

(h) Roles and duties of pharmacy technicians.

9907.7 For the licensure period ending February 28, 2021, to qualify for reinstatement or reactivation of a pharmacy technician registration, an applicant shall have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter in the year immediately preceding the date of the application, which shall include at least:

(a) Two (2) contact hours of continuing education credit in pharmacy law;

(b) Two (2) contact hours in medication safety; and

(c) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5).

9907.8 Beginning with the licensure period ending February 28, 2023, to qualify for reinstatement or reactivation of a pharmacy technician registration, an applicant shall have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter in the year immediately preceding the date of the application, which shall include at least:

(a) Two (2) contact hours of continuing education credit in pharmacy law;

(b) Two (2) contact hours in medication safety;

(c) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10(b)(5); and

(d) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9907.9 Except as provided in § 9907.10, an applicant under this section shall prove completion of required continuing education credits by submitting the following information with respect to each program:

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

(b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;

(c) The dates on which the applicant attended the program;

(d) The hours of credit claimed; and

(e) Verification by the sponsor of completion, by signature or stamp.

9907.10 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 9907.9 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

9907.11 Persons selected as a part of the Board's random audit shall provide all requested documentation within no more than thirty (30) calendar days after receipt of the audit request or having been deemed served with receipt, whichever comes first.

9907.12 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days

after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.

9907.13 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.

9907.14 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

(a) Serious and protracted illness of the applicant; and

(b) The death or serious and protracted illness of a member of the applicant's immediate family.

9907.15 An extension granted under this section shall not exempt the pharmacy technician from complying with the continuing education requirements for any other renewal period.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999 ("Act"), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2018 Repl. & 2019 Supp.)); Section 4902(d) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code § 7–731(d) (2018 Repl. & 2019 Supp.)); Sections 2 and 3 of the Act, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code §§ 7-1671.01(19) and 7-1671.02(c)(2) (2018 Repl. & 2019 Supp.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapters 5 (Qualifying Patients) and 99 (Definitions) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations ("DCMR").

The purpose of these amendments is to enable nonresidents who are enrolled in medical marijuana programs from all states that issue registration cards or state-issued documents to purchase medical marijuana in the District of Columbia.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 25, 2019 at 66 DCR 014109. No comments were received after the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 25, 2019. Therefore, no changes have been made to the rulemaking.

These rules were adopted as final on March 2, 2020 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 5, QUALIFYING PATIENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 503, NONRESIDENT QUALIFYING PATIENTS, is amended as follows:

Subsections 503.1 and 503.2 are amended to read as follows:

503.1 Before dispensing medical marijuana to a nonresident qualifying patient, a registered dispensary shall:

(a) Verify the nonresident qualifying patient's identity through comparison of his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card or state-issued document; and

(b) Confirm through the electronic records data system that the nonresident qualifying patient has not reached the allowable limit for the thirty (30) day period.

503.2 A registered dispensary shall not dispense medical marijuana to a nonresident qualifying patient who is unable to present his/her unexpired government-issued

identification card and his/her valid, unexpired nonresident card or state-issued document.

Section 9900, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended as follows:

Subsection 9900.1 is amended as follows:

The term "Functional Equivalent" is repealed.

The term "Nonresident Card" is amended to read as follows:

Nonresident Card- a medical marijuana patient card issued by a state that has an active medical marijuana program and issues either a card or state-issued document evidencing the patient's participation in the program.

The following new definition is added to appear in alphabetical order:

State-issued document- A document issued by the State agency responsible for administering the medical marijuana program in that state, which bears on its face the nonresident patient's name and program identification number, and an official seal or imprint.

OFFICE OF RISK MANAGEMENT

NOTICE OF FINAL RULEMAKING

The Chief Risk Officer of the Office of Risk Management (ORM), Executive Office of the Mayor, pursuant to the authority set forth in Section 2344 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.44 (2018 Supp.)); the Office of Administrative Hearings Establishment Act of 2001 (OAH Act), effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.* (2016 Repl. & 2019 Supp.)); Section 7 of Reorganization Plan No. 1 of 2003 for the Office of Risk Management, effective December 15, 2003 (D.C. Official Code § 1-1518.01 (2016 Repl.)); and Mayor's Order 2004-198, dated December 14, 2004; hereby gives notice of the adoption of the following amendments to Chapter 1 (Public Sector Workers' Compensation Benefits) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR).

The following amendments are adopted to amend Subsections 115.4; 130.10; 140.1 – 140.10; 140.12; 144.3; 150.4; 199.1; and the following new subsections are added: §§ 138.6 and 162.3.

On March 20, 2020 at 67 DCR 003296, ORM published emergency and proposed rules that were intended to amend the foregoing sections within the existing Chapter 1 of Title 7 DCMR. ORM solicited public comment for a period of forty-five (45) days, and the public comment period closed on May 4, 2020. ORM received no comments and no changes have been made to the proposed rulemaking in its adoption as final.

These rules were adopted as final on June 3, 2020, and are effective upon publication of this notice in the *D.C. Register*.

Chapter 1, PUBLIC SECTOR WORKERS' COMPENSATION BENEFITS, of Title 7 DCMR, EMPLOYMENT BENEFITS, is amended as follows:

Section 115, CLAIM FOR PSWCP BENEFITS; CLAIMANT OR REPRESENTATIVE ACTION, is amended as follows:

Subsection 115.14 is amended to read as follows:

115.14 A claim for recurrence of disability:

(a) Shall include medical evidence to establish that the recurrence is for the same condition and injury for which the claim was originally accepted and be filed pursuant to §§ 115.1 through 115.10 of this chapter within one (1) year after the date wage-loss and medical compensation terminates or, if such termination is appealed, within one (1) year after the date a final order is issued by a judicial entity, and

(b) Shall not obtain where the inability to work occurred because a modified duty assignment made specifically to accommodate the employee's physical limitations due to his or her work-related injury or illness is withdrawn or when the physical requirements of such an assignment are altered so that they exceed his or her established physical limitations.

Section 130, COMPUTATION OF WAGE INDEMNITY; PARTIAL DISABILITY is amended as follows:

130.10 [Repealed]

Section 138, REPORT OF EARNINGS, is amended by adding a new Subsection 138.6 to read as follows:

138.6 For the purposes of Section 2306b(b) of the Act (D.C. Official Code § 1-623.06b(b)), the phrase, "period for which the report of earnings was required" means the earning(s) period identified in the Program's request.

Section 140, PERMANENT DISABILITY, is amended as follows:

Subsections 140.1–140.10 and 140.12 are amended to read as follows:

140.1 A claimant may be eligible for permanent disability compensation pursuant to Section 2307 of the Act (D.C. Official Code § 1-623.07) upon reaching maximum medical improvement (MMI). A claimant may apply for such compensation after:

(a) Reaching MMI for a disability;

(b) Receiving four hundred-forty-eight (448) weeks of temporary total or partial disability wage-loss compensation, pursuant to Section 2306a of the Act (D.C. Official Code § 1-623.06a); or

(c) Loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes.

140.2 A claim for permanent disability compensation by a claimant who is eligible to request an award pursuant to § 140.1(a) of this chapter shall be filed with the Program by submitting Form 12:

(a) Within one hundred and eighty (180) days after the termination of temporary disability wage-loss benefits by the Program where the claimant has reached MMI. A claimant who fails to file a claim for permanent disability within one hundred and eighty (180) days after termination of temporary disability wage-loss benefits shall not be entitled to permanent disability benefits thereafter, unless there is good cause found by the Program to excuse the delay; or

(b) At any time within one (1) year after a claimant is determined to have reached MMI where temporary disability wage-loss benefits ceased before MMI was reached, or where a claimant never received temporary wage-loss benefits.

140.3 A claim for permanent disability compensation by a claimant who is eligible to request an award pursuant to § 140.1(b) of this chapter shall be filed as a hearing for permanent disability with the Office of Administrative Hearings by submitting Form 9 within fifty-two (52) weeks after payment of the four hundred forty-eighth (448^{th}) week of temporary total or partial disability wage-loss benefits. The Form 9 submission shall include the documents required under § 140.5. Any hearing request that is filed or refiled after the last fifty-two (52) weeks of five hundred (500) weeks of temporary wage-loss benefits shall be denied.

140.4 A claimant who is eligible to request permanent disability compensation pursuant to § 140.1(c) of this chapter may be awarded a schedule award for permanent disability in lieu of temporary disability wage-loss benefits. Such an award may be made upon filing a claim for temporary total disability wage-loss compensation, where the claimant has been determined to have a permanent impairment involving the loss of use of a member or function of the body, or disfigurement in accordance with the most recent edition of the American Medical Association Guides to the Evaluation of Permanent Impairment (AMA Guides), subject to limitations provided at Section 2321 of the Act (D.C. Official Code § 1-623.21).

140.5 To file a claim for permanent disability compensation pursuant to § 140.1(a) or (b) of this chapter, the claimant shall complete Form 12 and provide supporting information and documentation, including a permanent disability rating performed in accordance with the most recent edition of the AMA Guides from a qualified physician, if a permanent disability rating has already been provided to the claimant. If a permanent disability rating has not been provided, the claimant may request on Form 12 that the Program obtain a permanent disability rating for the claimant, and the Program will designate a qualified physician to evaluate the claimant and complete From 12 with supporting documentation accordingly.

140.6 If a claimant requests a schedule award pursuant to § 140.1(a) of this chapter, the Program shall:

(a) Review the request;

(b) Request additional information or action as necessary, including the scheduling of a physical examination(s), to evaluate the extent of permanency;

(c) Apply the burden of proof standard provided at §119.4; and

(d) Issue a written decision within thirty (30) days of receipt of all required documents that shall:

(1) Set forth the basis for accepting or denying the request; and

(2) Be accompanied by information about the claimant's right to appeal the Program's decision to the Chief Risk Officer, as provided in § 156 of this chapter.

140.7 (a) Hearings conducted in response to requests for permanent disability schedule awards filed pursuant to § 140.1(b) of this chapter shall:

(1) Be conducted pursuant to the provisions of Section 2324(b) of the Act (D.C. Official Code § 1-623.24(b)) and be subject to the requirements of this chapter;

(2) Allow for the scheduling of physical examination(s) of the claimant upon the filing of a hearing request to evaluate the extent of permanency of impairment and relationship to the accepted work injury;

(3) Be subject to OAH Rules, including those governing hearings of Public Sector Workers' Compensation matters;

(4) Allow for post-hearing briefing to be filed within seven (7) business days after the hearing upon request of either party;

(5) Be subject to the burden of proof standard provided at § 119.4 of this chapter; and

(6) Result in the issuance of a written final decision within thirty (30) days of the hearing or later briefing date, where applicable.

(b) Awards for permanent disability compensation issued by the Program or OAH shall:

(1) Be based solely on a permanent disability rating performed in accordance with the most recent edition of the AMA Guides from a qualified physician;

(2) Be limited to a disability rating arising out of a condition that has been previously adjudicated as compensable and apportioned in accordance with Section 2307(d) of the Act;

(3) Exclude awards for attorney's fees;

(4) Be computed by the Program in accordance with the schedule provided at Section 2307 of the Act (D.C. Official Code § 1-623.07), pursuant to § 129 of this Chapter, and not be subject to cost-of-living-adjustments. Adjustments to the Program's computed rate shall be made pursuant to Section 2341, as they become available after payment on the schedule award begins; and

(5) Set forth the basis for accepting or denying the request, in whole or in part, and be accompanied by information about the parties' right to appeal the decision, as provided in §§ 156 or 163 of this chapter, as applicable.

(c) Costs for physical examinations ordered by the tribunal or requested or obtained by the Program shall be paid by the Program, unless a permanent impairment rating performed in accordance with § 140.5 has already been provided by the Program or the order requires an examination to be conducted by a non-Panel physician;

140.8 Awards for permanent disability compensation shall be computed by:

(a) Calculating the monthly compensation less COLAs pursuant to § 129 of this Chapter;

(b) Converting the monthly compensation to weekly compensation by multiplying the monthly compensation rate by twelve (12) and dividing the product by fifty-two (52); and

(c) (1) In the event of a total loss of use of a member or function of the body, multiplying the weekly compensation rate computed by § 140.8(b) by the number of weeks indicated in the schedule for such member or function under Section 2307(c) of the Act; or

(2) In the event of a partial loss of use of a member or function of the body, adjusting the award schedule for partial disability by multiplying the total number of weeks available for the impaired member or function under Section 2307(c) of the Act by the percentage impairment rating provided by the physician, as awarded by the Program or OAH, and multiplying the adjusted award schedule for partial disability by the weekly compensation rate computed pursuant to § 140.8(b).

140.9 Any medical report or evidence submitted in support of a determination of eligibility for a schedule award under Section 2307 of the Act (D.C. Official Code § 1-623.07) shall be prepared by a physician with specific training and experience in the use of the most recent edition of the AMA Guides. The medical report must

identify the clinical diagnosis, diagnosis code, current clinical symptoms, current examination findings, and diagnostic testing results, as well as how the medical records are interpreted with citation to the specific page number, paragraph, and table relied upon within the AMA Guides to establish how the physician arrived at the impairment rating.

140.10 A claimant who requests or receives a schedule award pursuant to Section 2307 of the Act (D.C. Official Code § 1-623.07) shall be ineligible for further wage-loss compensation for temporary disability arising out of the same injury for which the schedule award has been approved or paid, unless the request is made pursuant to Section 2306a of the Act. Requests for schedule awards made pursuant to Section 2306a of the Act shall not result in immediate termination of temporary wage-loss compensation until the expiration of five hundred (500) weeks of entitlement to temporary wage-loss compensation or the issuance of a final decision accepting a claimant's request for permanent disability benefits, whichever is sooner.

140.12 Permanent disability compensation shall be limited to those body parts and functions listed in the schedule set forth in Section 2307 of the Act (D.C. Official Code § 1-623.07).

Section 144, MODIFICATION OF AWARD OF COMPENSATION, is amended as follows:

Subsection 144.3 is amended to read as follows:

144.3 Except as provided at Subsection 144.3(a), the Program will provide the claimant with prior written notice of the proposed action to modify an award of compensation pursuant to § 144 of this chapter and give the claimant thirty (30) days to submit relevant evidence or argument to support entitlement to continued payment of compensation prior to issuance of an Eligibility Determination (ED), where the Program has a reason to believe that compensation should be modified due to a change of condition pursuant to Sections 2324(d)(1) and (4) of the Act. An ED shall be accompanied by information identifying the employee's appeal rights and, for termination of benefits, claimant's time limitation from the date of the notice to make a claim for permanent disability compensation.

(a) Prior written notice will not be given when:

(1) The claimant dies;

(2) The Program either reduces or terminates compensation upon a claimant's return to work or release to return to work;

(3) The claimant has been convicted of fraud in connection with the claim;

(4) When the award of compensation was for a closed period, which has expired;

(5) The Program issues an initial determination where a claim has been deemed accepted pending such issuance; or

(6) The claimant's benefits are suspended for failure to:

(A) Participate in vocational rehabilitation, if the claimant is hired on or after January 1, 1980;

(B) Follow prescribed and recommended course of medical treatment from the treating physician; or

(C) With regard to a scheduled additional medical examination:

(i) Attend the examination,

(ii) Bring medical records under the claimant's possession and control to the examination, or

(iii) Any other obstruction of the examination.

Section 150, TRANSPORTATION AND MILEAGE, is amended as follows:

Subsection 150.4 is amended to read as follows:

150.4 Upon request made pursuant to § 150.2, the Program may furnish necessary and reasonable transportation for:

(a) An initial examination at a physician selected by the claimant;

(b) An additional medical examination required by the Program; and

(c) A routine physical examination, outpatient or inpatient surgical procedure, or any services provided in accordance with Section 2303(d)(1) of the Act.

Section 162, ATTORNEY'S FEES, is amended as follows:

Subsection 162.3 is added to read as follows:

162.3 Attorney's fees under Section 2327 of the Act shall not be awarded for prosecution of claims for permanent disability filed pursuant to Section 2306a of the Act.

Section 199, DEFINITIONS, is amended as follows:

Subsection 199.1 is amended to read as follows:

199.1 The definitions set forth in Section 2301 of Title 23 (Workers' Compensation) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-623.01 *et seq.* (2016 Repl. & 2019 Supp.)) shall apply to this chapter. In addition, for purposes of this Chapter, the following definitions shall apply and have the meanings ascribed:

The Act – the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-623.01 *et seq*. (2016 Repl. & 2019 Supp.)), as amended and as it may be hereafter amended.

Administrative Law Judge or ALJ – a hearing officer of the Office of Hearings and Adjudication in the Administrative Hearings Division of the Department of Employment Services or Administrative Law Judge in the Office of Administrative Hearings.

Aggravated injury – the exacerbation, acceleration, or worsening of a pre-existing disability or condition caused by a discrete event or occurrence and resulting in substantially greater disability or death.

Alive and well check – an inquiry by the Program to confirm that a claimant who is receiving benefits still meets the eligibility requirements of the Program.

Award of Compensation – a Program determination or Compensation Order issued pursuant to Section 2324 of the Act (D.C. Official Code § 1-623.24) and shall not include calculations set forth in a Notice of Benefits or adjustments to benefits made pursuant § 145 of this chapter.

Beneficiary – an individual who is entitled to receive death benefits under the Act.

Claim – an assertion properly filed and otherwise made in accordance with the provisions of this chapter that an individual is entitled to compensation benefits under the Act.

Claim file – all program documents, materials, and information, written and electronic, pertaining to a claim, excluding that which is privileged or confidential under District of Columbia law.

Claimant – an individual who receives or claims benefits under the Act (D.C. Official Code §§ 1-623.01 *et seq.*).

Claimant's Representative – means an individual or law firm properly authorized by a claimant of this Chapter, in writing, to act for the claimant in connection with a claim under the Act or this chapter.

Controversion – means to dispute, challenge or deny the validity of a claim for Continuation of Pay.

Disability – means the incapacity, because of an employment injury, to earn the wages the employee was receiving at the time of injury. It may be partial or total.

Earnings – for the purposes of § 138 of this chapter, any cash, wages, or salary received from self-employment or from any other employment aside from the employment in which the worker was injured. It also includes commissions, bonuses, and cash value of all payments and benefits received in any form other than cash. Commissions and bonuses earned before disability but received during the time the employee is receiving workers' compensation benefits do not constitute earnings that must be reported.

Eligibility Determination (ED) – a decision concerning, or that results in, the termination or modification of a claimant's existing Public Sector Workers' Compensation benefits that is brought about as a result of a change to the claimant's condition.

Employee – means

(a) A civil officer or employee in any branch of the District of Columbia government, including an officer or employee of an instrumentality wholly owned by the District of Columbia government; or of a subordinate; or independent agency of the District of Columbia government;

(b) An individual rendering personal service to the District of Columbia government similar to the service of a civil officer or employee of the District of Columbia, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service or authorizes payment of travel or other expenses of the individual, but does not include a member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department who has retired or is eligible for retirement pursuant to D.C. Official Code §§ 5-707 through 5-730 (2012 Repl. & 2019 Supp.). The phrase "personal service to the District of Columbia government" as used for the definition of employee means working directly for a District government agency or

instrumentality, having been hired directly by the agency or instrumentality; it does not mean working for a private organization or company that is providing services to the District government or its instrumentalities; or

(c) An individual selected pursuant to federal law and serving as a petit or grand juror and who is otherwise an employee for the purposes of this Chapter as defined by paragraphs (a) and (b) above.

Employee's Representative – means an individual or law firm properly authorized by an employee of this chapter, in writing, to act for the employee in connection with a request for continuation of pay under the Act or this chapter.

Employing agency – the agency or instrumentality of the District of Columbia government which employs or employed an individual who is defined as an employee by the Act.

Good cause – omissions caused by "excusable" neglect or circumstances beyond the control of the proponent. Inadvertence, ignorance or mistakes construing law, rules and regulations do not constitute "excusable" neglect.

Healthcare provider – means any person or organization who or that renders medical services, appliances or supplies directly to claimants or employees and is licensed to practice or operate in the jurisdiction where care is provided.

Healthcare organization – an organization comprised of allied health professionals, as defined under Section 2301 of the Act (D.C. Official Code § 1-623.01).

Immediate supervisor – the District government officer or employee having responsibility for the supervision, direction, or control of the claimant, or one acting on his or her behalf in such capacity.

Indemnity – See Wage-loss Compensation.

Initial Determination (ID) – a decision regarding initial eligibility for benefits under the Act, including decisions to accept or deny new claims, pursuant to this Chapter.

Judicial Entity – any court or administrative group that issues a final decision that results in a complete and final disposition of a case.

Latent disability – a condition, disease or disability that arises out of an injury caused by the employee's work environment, over a period longer than one workday or shift and may result from systemic infection, repeated physical stress or strain, exposure to toxins, poisons, fumes or other continuing conditions of the work environment.

Marriage – both civil marriage, which is represented by a marriage license, and common-law marriage, which must be proved by a preponderance of the evidence based on the law of the applicable jurisdiction.

Maximum Medical Improvement (MMI) – a point in time in the recovery process after an injury when:

(a) further formal medical or surgical intervention cannot be expected to improve the underlying impairment;

(b) recovery has reached the stage where symptoms can be expected to remain stable with the passage of time, or can be managed with palliative measures that do not alter the underlying impairment substantially; or

(c) a claimant declines medical or surgical intervention that would otherwise improve the underlying impairment.

Mayor – the Mayor of the District of Columbia or a person designated to perform his or her functions under the Act.

Medical opinion – a statement from a physician, as defined in Section 2301 of the Act (D.C. Official Code § 1-623.01) that reflects judgments about the nature and severity of impairment, including symptoms, diagnosis and prognosis, physical or mental restrictions, and what the employee or claimant is capable of doing despite his or her impairments.

Notice of Benefits – a notice provided to a claimant that sets forth the Program's calculation of a claimant's benefits as a result of an initial award or subsequent change in benefits.

Office of Administrative Hearings (OAH) – the office where Administrative Law Judges adjudicate public sector workers' compensation claims under Sections 2323(a-2)(4), 2324(b)(1), and (d)(2) of the Act (D.C. Official Code §§ 1-623.23(a-2)(4), 1-623.24(b)(1) and (d)(2)), pursuant to jurisdiction under D.C. Official Code § 2-1831.03(b)(1) (2016 Repl.), Section 2306a of the Act, and rules set forth in this chapter.

Office of Hearings and Adjudication (OHA) – the office in the Administrative Hearings Division of the Department of Employment Services where

Administrative Law Judges adjudicate workers' compensation claims, including public sector workers' compensation claims under Sections 2323(a-2)(4), 2324(b)(1), and (d)(2) of the Act (D.C. Official Code §§ 1-623.23 (a-2)(f), 1-623.24(b)(1) and (d)(2)), and rules set forth in this Chapter.

Office of Risk Management (ORM) – the agency within the Government of the District of Columbia that is responsible for the District of Columbia's Public Sector Workers' Compensation Program (PSWCP).

Panel physician – means a physician approved by the Program pursuant to §§ 124 and 125 of this chapter to provide medical treatment to persons covered by the Act.

Pay rate for compensation purposes – means the employee's pay, as determined under Section 2314 of the Act, at the time of injury, the time disability begins, or the time compensable disability recurs if the recurrence begins more than six months after the injured employee resumes regular full-time employment with the District of Columbia government, whichever is greater, except as otherwise determined under Section 2313 of the Act (D.C. Official Code § 1-623.13) with respect to any period. Consideration of additional remuneration in kind for services shall be limited to those expressly authorized under Section 2314(e) of the Act (D.C. Official Code § 1-623.14(e)).

Permanent disability compensation – schedule award compensation payable when a qualified physician has determined that a claimant has reached maximum medical improvement and has full or partial loss of use of a body part or disfigurement pursuant to Section 2307 of the Act (D.C. Official Code 1-623.07) and § 140 of this chapter.

Permanent total disability payment (PTD) – schedule award and wage-loss compensation payable to a completely disabled claimant, when a qualified physician has determined that a claimant has reached maximum medical improvement and is unable to work on a permanent basis. PTD has been repealed since February 26, 2015. However, claimants who were awarded PTD prior to the repeal may continue to receive PTD benefits.

Program – the Public Sector Workers' Compensation Program of the Office of Risk Management, including a third party administrator thereof.

Provider agreement – a working agreement developed by the Program in accordance with Section 2302b of the Act (D.C. Official Code § 1-623.02b) with a healthcare provider or other public or private organization comprised of healthcare providers to furnish medical care or services (including transport incident to such care or services) to an

employee. Disputes regarding fees or the necessity, character or sufficiency of services pursuant to such agreements shall be resolved in accordance with Section 2323 of the Act (D.C. Official Code § 1-623.23) and § 156.6 and 156.7 of this chapter.

Qualified health professional – means a physician, as that term is defined by section 2301 of the Act (D.C. Official Code § 1-623.01) and includes a surgeon, podiatrist, dentist, clinical psychologist, optometrist, orthopedist, neurologist, psychiatrist, chiropractor, or osteopath practicing within the scope of his or her practice as defined by state law. The term includes a chiropractor only to the extent that reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist and subject to guidelines established by the Program. For purposes of initial treatment or emergency care, or with respect to of a managed care organization, as that term is defined by Section 2301 of the Act (D.C. Official Code § 1-623.01), the term also includes physician assistants and nurse practitioners who are authorized by the jurisdiction where they practice and who are performing within the scope their practice as defined by said jurisdiction.

Recurrence of disability – means a disability that reoccurs within one (1) year after the date wage-loss compensation terminates or, if such termination is appealed, within one (1) year after the date of the final order issued by a judicial entity, caused by a spontaneous change in a medical condition which had resulted from a previous compensable injury or illness without an intervening injury or new exposure to the work environment that caused the illness.

Recurrence of medical condition – means a documented need for further medical treatment after release from treatment for the accepted condition or injury when there is no accompanying work stoppage. Continuous treatment for the original condition or injury is not considered a "need for further medical treatment after release from treatment," nor is an examination without treatment.

Traumatic injury – means a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such condition must be caused by external force, including physical stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected.

Temporary partial disability payment (TPD) – wage-loss compensation payable to a claimant, who has a wage-earning capacity and has not reached maximum medical improvement, calculated pursuant to Section 2306 of the Act (D.C. Official Code § 1-623.06) and § 130 of this chapter.

Temporary total disability payment (TTD) – wage-loss compensation payable to a claimant, who has a complete loss of wage earning capacity and has not reached maximum medical improvement, calculated pursuant to Section 2305 of the Act (D.C. Official Code § 1-623.05) and § 129 of this chapter.

Treating physician – the physician, as defined in Section 2301 of the Act (D.C. Official Code § 1-623.01), who provided the greatest amount of treatment and who had the most quantitative and qualitative interaction with the employee or claimant.

Wage-loss compensation – the money allowance paid to a claimant by the Program to compensate for the wage-loss experienced by the claimant as a result of a disability directly arising out of an injury sustained while in the performance of his or her duty, calculated pursuant to the provisions of this chapter.

Working agreement – means a provider agreement or other agreement developed by the Program in accordance with Section 2302b of the Act (D.C. Official Code § 1-623.02b) with:

(a) a utilization review organization or individual certified to perform such reviews, as specified in Section 2323 of the Act (D.C. Official Code § 1-623.23);

(b) a physician or an organization comprised of physicians, including an organization with a proprietary panel of physicians affiliated exclusively with such organization, who conduct Additional Medical Examinations, as described in § 136 of this chapter;

(c) a provider of vocational rehabilitation services; or

(d) a physician or other public or private organization to facilitate the functions of the Program. The fees and other conditions contained in such agreements shall be approved by the Chief Risk Officer. Except in the case of a provider agreement, disputes arising under such agreements shall be resolved by the Superior Court for the District of Columbia, or as otherwise provided by law.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10 (a)(12) (2015 Repl.), Mayor's Order 2000-70, dated May 2, 2000, and Mayor's Order 2009-11, dated February 2, 2009, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Chapter 26 (Real Estate Licenses) and Chapter 27 (Real Estate Practice and Hearings) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend the current pre-licensure education requirements for those seeking licensure as a real estate salesperson or real estate broker in the District. In order to clarify the existing educational requirements for real estate brokers, this rulemaking would delineate the specific courses and minimum hours of instruction required in each subject area. It would also enhance the required pre-licensure curricula for both real estate brokers and salespersons to include additional education on the practice of property management with more focus on the management of common interest communities, and certain environmental issues concerning the practice real estate. Further, this rulemaking would amend the current continuing education requirements for applicants seeking to renew, reactivate or reinstate a license approved by the Real Estate Commission (Commission). Specifically, this amendment would require additional continuing education for real estate brokers on best practices in supervision and would require continuing education on property management for all licensees. In adopting this requirement, which is in conformity with similar standards established by neighboring jurisdictions, the District seeks to ensure that its licensed real estate professionals maintain professional and ethical competence in their practice.

Further, this action would update certain provisions concerning assessments collected for deposit in the Real Estate Guaranty and Education Fund (Fund) to more accurately reflect current procedures. Specifically, it would change the dates by which the Commission would either suspend or resume collection of the Fund assessment during a fiscal year to align with the current licensing cycles for real estate professionals and would clarify the Commission's discretion to determine whether to resume collection of the assessment for any fiscal year. Also, for administrative convenience, it would eliminate prorated assessments for applicants seeking licensure in the second half of the biennial license period.

The Director also hereby gives notice of the intent to adopt these rules as final in not less than thirty (30) days after the publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Chapter 26, REAL ESTATE LICENSES, is amended as follows:

Section 2601, LICENSURE OF REAL ESTATE BROKERS, is amended as follows:

Subsection 2601.3 is amended to read as follows:

2601.3 All applicants for licensure as a real estate broker shall furnish at the time of filing an application, evidence of having satisfactorily completed the required course(s) which have been approved by the Commission pursuant to § 2606 of this chapter. The coursework shall consist of a minimum of one hundred thirty-five (135) clock hours and shall include the following subject areas:

A.	Principles of Real Estate	6
B.	Licensees' Duties and Responsibilities	6
C.	D.C. Real Estate Licensing Laws and Regulations	4
D.	Deposits, Escrow, and Recordkeeping	4
E.	Interests and Rights in Real Property	2
F.	Forms of Ownership and Legal Descriptions	2
G.	Transfer of Title to Real Property	2
H.	Real Estate Contracts and the Law	5
I.	Rules of Agency and Listings	7
J.	Federal Fair Housing Laws and D.C. Human Rights Act	3
K.	D.C. Code of Ethics - Ethical Practices in Real Estate	3
L.	Condominiums, Cooperatives, and Associations	3
M.	Landlord/Tenant Relationship	4
N.	The Property Manager and Community Association Management	8
O.	Lease Administration and Management	4

P.	Environmental Issues (Sustainability, Energy Management, and Deceptive Marketing Practices)	4
Q.	Real Estate Economics and Fiscal Policy	4
R.	Real Estate Financing	3
S.	Broker Price Opinions and the Appraisal Process	4
T.	Taxes and Assessments	2
U.	Real Property Insurance, Title Insurances, and Settlement	4
V.	Disclosures and Stigmatized Properties	2
W.	Real Estate Mathematics	3
X.	Private and Public Land-Use Control	2
Y.	Construction and Building Inspections	2
Z.	Sales and Marketing of Real Estate	2
AA.	Technology, Real Estate Trends, and Advertising	2
BB.	Introduction to Commercial Property	4
CC.	Securities, Syndication, and Investments	2
DD.	Real Estate Broker Management	6
EE.	Broker Supervision	6
FF.	Fiscal Management	3
GG.	Risk Management	2
HH.	Asset Management	4
II.	Contract and Employment Obligations	4
JJ.	Historic Preservation	2
KK.	Consumer Protection Issues	2
LL.	Licensing and Registration Compliance and Operations	

in the District	3
Total Required Hours	135

Subsection 2601.10 is amended to read as follows:

2601.10 An applicant whom the Commission determines is eligible for licensure as a real estate broker by waiver or reciprocity under § 2611 of this chapter shall:

(a) Pass the D.C. Real Estate Law Examination;

(b) Complete a D.C. Fair Housing course approved by the Commission; and

(c) Complete a course on property management approved by the Commission.

Section 2602, LICENSURE OF REAL ESTATE SALESPERSONS, is amended as follows:

Subsection 2602.3 is amended to read as follows:

2602.3 Unless the application is based upon waiver or reciprocity pursuant to § 2611 of this chapter, all applicants for licensure as a real estate salesperson shall furnish, at the time of filing an application, evidence of having satisfactorily completed a course of instruction on the principles and practices of real estate which has been approved by the Commission pursuant to § 2606 of this chapter. The course shall consist of a minimum of sixty (60) clock hours and shall be distributed in clock hours, as indicated, among the following subject areas:

A.	Principles of Real Estate	3
B.	Licensees' Duties and Responsibilities	3
C.	Rules of Agency and Listings	2
D.	Deposits, Escrow, and Recordkeeping	1
E.	Interests and Rights in Real Property	2
F.	Forms of Ownership and Legal Descriptions	2
G.	Disclosures and Stigmatized Properties	2
H.	Real Estate Contracts and the Law	3
I.	Federal Fair Housing and D.C. Human Rights Acts	3
J.	D.C. Code of Ethics - Ethical Practices in Real Estate	3

K.	D.C. Real Estate Licensing Laws and Regulations	3
L.	Lease Administration and Management	1
M.	The Property Manager and Community Association Management	3
N.	Landlord/Tenant Relationship	3
O.	Condominiums, Cooperatives, and Associations	1
P.	Transfer of Title to Real Property	2
Q.	Real Estate Economics and Fiscal Policy	1
R.	Real Estate Financing	3
S.	Real Estate Mathematics	2
T.	Pricing Property and the Appraisal Process	2
U.	Taxes and Assessments	1
V.	Real Property Insurance, Title Insurances, and Settlement	3
W.	Introduction to Non-Residential Real Estate	2
X.	Land-Use Control	1
Y.	Securities, Syndication, and Investments	1
Z.	Construction and Building Inspections	1
AA.	Environmental Issues (Sustainability, Energy Management, and Deceptive Marketing Practices)	2
BB.	Technology, Real Estate Trends, and Advertising	2
CC.	Sales and Marketing of Real Estate	1
DD.	Historic Preservation	1
Total Required Hours		60

Subsection 2602.6 is amended to read as follows:

2602.6 An applicant whom the Board determines is eligible for licensure as a real estate salesperson by waiver or reciprocity under § 2611 of this chapter shall:

(a) Pass the D.C. Real Estate Law Examination;

(b) Complete a D.C. Fair Housing course approved by the Commission; and

(c) Complete a course on property management approved by the Commission.

Section 2605, CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS, PROPERTY MANAGERS, AND SALESPERSONS, is amended as follows:

Subsection 2605.3 is amended to read as follows:

2605.3 An applicant for the renewal of a real estate broker's, real estate salesperson's, or property manager's license shall submit proof pursuant to § 2605.6 of this section of having completed no fewer than fifteen (15) hours of Continuing Education credit during the two (2) year period preceding the date the license expires as follows:

(a) A real estate broker shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission for the current licensing cycle;

(2) Three (3) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of coursework in broker supervision that has been approved by the Commission.

(b) A real estate salesperson shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission;

(2) Three (3) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of general elective courses approved by the Commission.

(c) A property manager shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission; and

(2) Six (6) hours of property management coursework approved by the Commission.

Subsection 2605.7 is amended to read as follows:

2605.7 An applicant for renewal of an inactive license or reinstatement of an expired, suspended or revoked real estate broker's, real estate salesperson's, or property manager's license shall submit proof pursuant to § 2605.6 of this section of having completed the following continuing education credits:

(a) An applicant for a real estate broker's license under this subsection shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission for the current licensing cycle;

(2) Three (3) hours of property management coursework approved by the Commission;

(3) Three (3) hours of coursework in broker supervision that has been approved by the Commission; and

(4) Three (3) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

(b) An applicant for a real estate salesperson's license under this subsection shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission;

(2) Three (3) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

(c) An applicant for a property manager's license under this subsection shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission;

(2) Six (6) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

Chapter 27, REAL ESTATE PRACTICE AND HEARINGS, is amended as follows:

Section 2704, REAL ESTATE GUARANTY AND EDUCATION FUND ASSESSMENT, is amended as follows:

Subsection 2704.1 is amended to read as follows:

2704.1 An applicant for a license as a real estate broker, real estate salesperson, or property manager shall pay, in addition to the applicable license fee, the sum of sixty dollars ($60.00) into the Real Estate Guaranty and Education Fund ("Fund").

Subsection 2704.4 is amended to read as follows:

2704.4 The Board shall suspend collection of the assessment for the Fund from licensees on November 1 of any year, if on the prior October 1, the balance of the Fund is within fifty thousand dollars ($50,000) of the maximum established under this section.

Subsection 2704.5 are amended to read as follows:

2704.5 The Board may resume collection of the assessment for the Fund of licensees on November 1, if on the prior October 1, the balance of the Fund is less than $4,950,000.

All persons desiring to comment on these proposed regulations should submit comments in writing to Jonathan Kuhl, Chief of External Affairs, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., 5th Floor, Washington, D.C. 20024 or via e-mail at Jonathan.Kuhl1@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8945. Copies of the proposed rules can be obtained at www.dcregs.dc.gov, or from the address listed above.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Repl.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Repl.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Repl.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; D.C. Official Code § 39-105 (2012 Repl.)); as codified in 27 DCRR § 2.1, 24 DCR 11011, 11014 (June 30, 1978); and as amended by Final Rulemaking published at 38 DCR 1011 (February 8, 1991), hereby gives notice of its intent to amend Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Board of Library Trustees through D.C. Official Code § 39-105 (2018 Supp.) designated the Chief Librarian/Executive Director to establish rules and manage the day-to-day operations of the library. The proposed amendments will provide the DCPL the ability to eliminate fines and penalties for overdue library items.

On May 14, 2020, the Board of Library Trustees of the District of Columbia Public Library ("DCPL") approved the adoption of the proposed amendment to the District of Columbia Public Library Regulations Section 803, regarding Fines and Penalties. The District of Columbia Public Library also gives notice of intent to take rulemaking action to adopt these proposed regulations as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENT, PARKS AND RECREATION, is amended as follows:

Section 803, FINES AND PENALTIES, is amended to read as follows:

803 FINES AND PENALTIES

803.1 There shall be no charge for overdue library items.

803.2 All borrowers, twenty (20) years of age and older, shall be assessed lost and damaged fees on all material types including children's materials and books that are overdue sixty (60) days or more, as follows:

(a)	Hardcover Books; and	$ 20.00
(b)	Paperback Books, CDs, and DVDs,	$ 15.00

803.3 Adult borrowers, twenty (20) years of age and older, of materials and books are responsible for the payment of both lost and damaged fees.

803.4 Adult borrowers twenty (20) years of age and older who incur outstanding fees totaling forty dollars ($ 40.00) or more on their library account will be blocked from checking-out or renewing books and other library materials, until the account is in good standing.

803.5 The librarian or designee can at his/her discretion forgive lost or damaged fees for library materials. This option can be utilized when the borrower provides reasons such as: hospitalization, death in family, incarceration, fire, flood, or other catastrophic personal hardship.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted via e-mail at general.counsel@dc.gov or via telephone at 202-727-3771. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. Copies of the proposed rulemaking may be obtained by writing to the address stated above or at www.dcregs.dc.gov.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF PROPOSED RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2018 Repl.)), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of proposed rulemaking action to repeal Section 520 (One Year Appointment of Principals and Assistant Principals) of Chapter 5 (Administration and Management) of Title 5 (Education), Subtitle E (Original Title 5) of the District of Columbia Municipal Regulations (DCMR), and replace it with a new Section 520 (Appointment of Principals and Assistant Principals) of Chapter 5 (Administration and Management) of Title 5 (Education), Subtitle B (District of Columbia Public Schools) of the DCMR.

The purpose of the proposed rulemaking is to allow the Chancellor to appoint DCPS principals to two-year terms. The current DCMR provision limits DCPS principals to one-year term appointments. The proposed change is intended to promote retention of current principals and enhance recruitment of new principals by allowing for two-year, rather than one-year, appointments. The rulemaking retains the one-year term requirement for assistant principals and retains the right of principals and assistant principals who hold permanent status in another DCPS position to revert to their prior position at the conclusion of their terms.

The rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor of the District of Columbia Public Schools also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register* and after approval by the Council of the District of Columbia, as specified in Section 105(c)(5) of the Act (D.C. Official Code § 38-172(c)(2) (2018 Repl.)).

Chapter 5, ADMINISTRATION AND MANAGEMENT, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 520, ONE YEAR APPOINTMENTS OF PRINCIPALS AND ASSISTANT PRINCIPALS, is repealed in its entirety.

A new Chapter 5, ADMINISTRATION AND MANAGEMENT, of Title 5-B DCMR, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, is established as follows:

A new Section 520 is established to read as follows:

520 APPOINTMENT OF PRINCIPALS AND ASSISTANT PRINCIPALS

520.1 Persons appointed to a position as Principal shall serve in a term appointment of up to two (2) years, without tenure in the position.

520.2 Persons appointed to a position as Assistant Principal shall serve in a term appointment of one (1) year, without tenure in the position.

520.3 Retention and reappointment shall be at the discretion of the Chancellor.

520.4 A person who is not retained in the position of Principal or Assistant Principal and who holds permanent status in another position in the D.C. Public Schools shall revert to the highest prior permanent level of employment upon his or her removal from the position of Principal or Assistant Principal; provided, that this right shall not include the right to any particular position or office previously held.

Comments on this rulemaking should be submitted, in writing, to Eboni J. Govan, DCPS, at 1200 First Street, N.E., 10th Floor, Washington, D.C., 20002 or dcpsregs@k12.dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address or the DCPS website, www.dcps.dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

RM29-2020-02, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD

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 (2019 Repl.), hereby gives notice of its intent to amend Chapter 29 (Renewable Energy Portfolio Standard ('RPS')), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the publication of this Notice in the *D.C. Register*.

2. In response to inquiries from individuals and organizations working in or with the solar energy industry, the Commission seeks to amend the Commission's RPS rules to clarify the operation of certain provisions of the Distributed Generation Amendment Act of 2001 (DGAA)[1] in order to provide more regulatory certainty. Specifically, the DGAA amended D.C. Official Code § 34-1432(e) to require that only solar energy systems located within the District or in locations served by a distribution feeder serving the District are eligible for certification to meet the solar portion of the Tier One requirement of the RPS after January 31, 2011.[2] Also pursuant to the DGAA, solar energy systems – located outside of the District and not in locations served by a distribution feeder serving the District – certified as eligible to meet the solar portion of the Tier One requirement of the RPS, as of January 31, 2011, would continue to be able to produce solar renewable energy credits that are eligible to meet the solar portion of the Tier One requirement of the RPS after that date.[3]

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2902, GENERATOR CERTIFICATION AND ELIGIBILITY, is amended as follows:

…

2902.1 Renewable generators, including behind-the-meter (BTM) generators, shall be certified as qualified resources by the Commission:

(a) Solar Energy Systems no larger than fifteen megawatts (15 MW) in capacity (unless a facility is located on property owned by the Government of the District of Columbia or by any agency or independent authority of the

[1] Distributed Generation Amendment Act of 2011, effective October 20, 2011 (D.C. Law 19-36; 58 DCR 6837 (August 12, 2011)) (DGAA).

[2] DGAA, Section 2(a)(3).

[3] DGAA, Section 2(a)(3).

Government of the District of Columbia in which case the facility can be larger than fifteen megawatts (15 MW) in capacity) that are located within the District or in locations served by a distribution feeder serving the District are eligible for certification to meet the solar portion of the Tier One requirement of the renewable energy portfolio standard (RPS);

(b) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, regardless of capacity, may be certified to meet the non-solar portion of the Tier One requirement of the RPS;

(c) Eligibility for certification to meet the solar portion of the Tier One requirement of the RPS, for Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, is based on the Electric Company's current Cross Border Feeder Map posted on its website;

(d) Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, once certified by the Commission to meet the solar portion of the Tier One requirement of the RPS, will remain certified and in good standing to produce solar Renewable Energy Credits (SRECs) that are eligible to meet the solar portion of the Tier One requirement of the RPS;

(e) Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, once certified by the Commission to meet the solar portion of the Tier One requirement of the RPS, may be expanded or replaced and continue to produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS, provided that the Solar Energy System is served by a distribution feeder serving the District at the time of the replacement or expansion, subject to approval consistent with the provisions of Section 2902.12 of this Chapter;

(f) Solar Energy Systems which are not located within the District and not in locations served by a distribution feeder serving the District, but can connect to a distribution feeder serving the District through a service connection and/or an extension of the distribution system, shall be eligible for certification to meet the solar portion of the Tier One requirement of the RPS after the connection or extension has been made; and

(g) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, but were certified by the Commission prior to February 1, 2011, may continue to produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS, at the capacity of the system as originally certified by the Commission. Any SRECs produced by any expansions or

replacements of such systems, including the replacement of individual solar panels, not previously approved by the Commission, shall not be eligible to meet the solar portion of the Tier One requirement of the RPS.

…

Section 2999, DEFINITIONS, is amended as follows:

2999.1 For the purposes of this chapter, the following terms and phrases have the following meanings:

Electric Company – includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers, excluding any person or entity distributing electricity from a behind-the-meter generator to a single retail customer behind the same meter and located on the same premise as the customer's meter. In addition, the term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other electricity related services solely to the occupants of the building for use by the occupants. The term also excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

…

Solar Energy System – a system that produces Solar Energy consistent with the definition of Solar Energy in this chapter.

…

3. Any person interested in commenting on the subject matter of this proposed rulemaking action 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 sent electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF THIRD EMERGENCY RULEMAKING

The Director of the Department of Health ("Department"), pursuant to the authority set forth in Sections 2(b) and 5(a) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code, §§ 44-501(b) and 44-504(a) (2012 Repl.)) ("Act"), and in accordance with Mayor's Order 98-137, dated August 20, 1998, hereby gives notice of the adoption, on an emergency basis, of the following new Chapter 99 (Home Support Agencies) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations.

As a result of investigating complaints and communicating with individuals, providers and relevant associations, the Department has determined there are not enough licensed providers of non-medical personal care services in the District to meet the current need. There are thousands of people in the District who require assistance with activities of daily living, such as dressing, eating, bathing and toileting.

The Director has been delegated the authority under Section 2(b) of the Act (D.C. Official Code § 44-501(b)) to determine the need for licensed facilities other than those already defined in the Act. The Director has determined that a new license category is required for home support facilities that only provide these non-medical health care services. These rules establish this category of facility and state the process and requirements for licensure. Among other things, the rules require home support agencies to ensure that aides are certified as home health aides, assess clients to determine whether they have needs beyond those that can be addressed by a home support agency, maintain sufficient personnel and supervision to deliver safe services, implement written client service policies to which the clients and the Department will have access, and report complaints to the Department.

The rules are issued on an emergency basis because they are necessary for the immediate preservation of the public health, safety, and welfare of the individuals currently receiving unlicensed personal care services. The rules will allow for the prompt licensure of home support agencies so that vulnerable residents will receive the quality assistance they need without suffering a break in service when the Department begins enforcement action against unqualified, unlicensed providers. The third emergency rule is needed to operate a licensing and regulatory system until final regulations are published.

This emergency rule was adopted by the Director on June 1, 2020, and became effective on that date and will expire on September 28, 2020. These rules are identical to the Notice of Emergency and Proposed Rulemaking published in the *D.C. Register* at 66 DCR 14466 (November 1, 2019), and adopted on July 24, 2019 and Notice of Second Emergency Rulemaking adopted by the Director on November 25, 2019, and published in the *D.C. Register* at 67 DCR 3834 (April 3, 2020). This Notice of Third Emergency Rulemaking is necessary to fill the gap between the expiring Notice of Second Emergency Rulemaking and a forthcoming Notice of Final Rulemaking.

Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended by adding a new Chapter 99, HOME SUPPORT AGENCIES, to read as follows:

CHAPTER 99 HOME SUPPORT AGENCIES

9900 GENERAL PROVISIONS

9900.1 These regulations are implemented pursuant to sections 2(b) and 5(a) of the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 ("Act"), effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501(b) and 44-504(a)).

9900.2 Each home support agency serving one or more clients in the District of Columbia shall be licensed and shall comply with the requirements in this chapter and, except as otherwise provided herein, with the regulations in Chapter 31 of Title 22-B of the District of Columbia Municipal Regulations (“DCMR”), which contains provisions on inspections, licensing and enforcement actions pertaining to facilities authorized under the Act.

9900.3 Each home support agency shall comply with all other applicable federal and District laws and regulations.

9901 OPERATING OFFICE

9901.1 Each home support agency shall maintain an operating office within the District of Columbia. This office shall be staffed at least eight (8) hours per business day.

9901.2 The business hours of the operating office shall be posted publicly so that they are visible from the outside of the office. The home support agency shall maintain a public website that provides, at a minimum, the home support agency's business hours, services provided, ownership information, key personnel, and contact information that includes a phone number and email address.

9901.3 A separate license shall be required for each operating office maintained by a home support agency.

9901.4 Each operating office shall either store at the office in paper form or have immediately available electronically the following records:

(a) Client records for all clients served within the District of Columbia;

(b) Personnel records for all employees;

(c) Home support agency policies and procedures;

(d) Incident reports and investigations; and

(e) Complaint reports and investigations.

9901.5 All other records and documents required under this chapter and other applicable laws and regulations that are not maintained within the operating office shall be produced for inspection within two (2) hours after a request by the Department, or within a shorter time if the Department so specifies.

9901.6 Each home support agency shall post its license in a conspicuous place within the operating office.

9901.7 Prior to any change in office location, a home support agency shall:

(a) Notify the Department in writing at least sixty (60) days prior to the change;

(b) Provide the following documentation to the Department:

(1) The new address;

(2) A copy of the lease agreement for the new office location, if applicable;

(3) A certificate of insurance reflecting the new address;

(4) A certificate of occupancy reflecting the new address;

(5) A Clean hands certificate in accordance with the D.C. Official Code §§ 47-2861 *et seq.*; and

(6) A Certificate of Good Standing for a corporation to be obtained from the Office of the Registrar of Corporations at the Department of Consumer and Regulatory Affairs; and

(c) Notify clients and staff in writing at least thirty (30) days prior to the change.

9901.8 The operating office shall be open to employees, clients, client representatives, and prospective clients and their representatives during business hours.

9902 APPLICATION FOR LICENSURE

9902.1 Applications for licensure shall be processed in accordance with this section and Chapter 31 of Title 22-B DCMR.

9902.2 The submission of an application does not guarantee that the Department will issue a license.

9902.3 Applicants for licensure shall submit the following information to the Department as part of the application:

(a) The names, addresses, and types of all entities owned or managed by the applicant;

(b) A copy of the applicant's operating policies and procedures manual for the home support agency;

(c) The identity of each officer and director of the corporation, if the entity is organized as a corporation, including name, address, phone number, and email;

(d) A copy of the Articles of Incorporation and Bylaws, if the entity is organized as a corporation;

(e) A copy of the Partnership Agreement and the identity of each partner if the entity is organized as a partnership, including name, address, phone, number, and email;

(f) A copy of the Articles of Formation and Operating Agreement, if the entity is organized as a limited liability company;

(g) The identity of the members of the governing body, including name, address, phone number, and email;

(h) The identity of any officers, directors, partners, managing members or members of the governing body who have a financial interest of five percent (5%) or more in an applicant's operation or related businesses, including name, address, phone number, and email;

(i) Disclosure of whether any officer, director, partner, employee, or member of the governing body has a felony criminal record;

(j) The name of the Director who is responsible for the management of the home support agency and the name of the Client Service Coordinator, if applicable;

(k) A list of management personnel, including their credentials; and

(l) Any other information required by the Department.

9902.4 Each applicant shall be responsible for submitting a complete application, including all information required pursuant to § 9902.3. The Department reserves the right to return an incomplete application to the applicant: The return of an incomplete application to the applicant shall not be considered a denial of the application.

9902.5 If the Department returns the application with identified deficiencies:

(a) The applicant shall have thirty (30) days to correct the identified deficiencies and return the application to the Department; and

(b) If the applicant resubmits the application to the Department and has not corrected all the deficiencies, the application shall be deemed incomplete and returned the applicant. The applicant shall have the option of filing a new application along with a new processing fee.

9902.6 As part of its review of a home support agency's application, the Department shall conduct an on-site walk through of the business location to verify that the office is capable of operating.

9903 LICENSURE

9903.1 At the beginning of a home support agency's license year, the Department shall issue a provisional license for a period of ninety (90) days to each home support agency that has completed the application process consistent with these regulations, has passed the on-site walk through by the Department, and whose policies and

procedures demonstrate compliance with the rules and regulations pertaining to home support agency licensure.

9903.2 A provisional license shall permit a home support agency to hire staff and establish a client caseload;

9903.3 To be eligible for a permanent license, the home support agency shall:

(a) Obtain and demonstrate that the home support agency has a client census equal to or greater than five (5) clients by the end of the ninety (90) day provisional license period;

(b) Notify the Department that is has a client census of at least five (5) clients;

(c) Complete an on-site survey during the provisional license period, provided they have a demonstrated client census of five (5) or more clients; and

(d) Demonstrate during the on-site survey, that it meets the definition of a home support agency in these regulations, complies with these regulations, and is in operation and caring for clients.

9903.4 The Department may, at its discretion, renew a provisional license for up to an additional ninety (90) days in order for the licensee to meet the definition of a home support agency, have a demonstrated client census of five (5) or more clients, and come into substantial compliance with these regulations:

(a) The Department shall designate the conditions and the time period for the renewal of a provisional license;

(b) An initial provisional license issued to a home support agency that is not in substantial compliance with these regulations following an on-site survey by the Department shall not be renewed unless the Department approves a corrective action plan for the home support agency; and

(c) If a home support agency is not in substantial compliance with these regulations after two (2) provisional license periods, the home support agency shall be denied a permanent license.

9903.5 The Department shall grant a permanent license for a period of twelve (12) months, including the provisional license period, to a home support agency that the Department has determined meets the definition of a home support agency, complies with these regulations, and has a demonstrated client census of five (5) or more clients.

9903.6 An existing licensed home support agency shall apply for renewal of its license at least ninety (90) days prior to its expiration.

9903.7 A renewal license shall not be issued to a home support agency that at the time of renewal:

(a) Does not meet the definition of a home support agency as contained within these regulations;

(b) Is not in substantial compliance with these regulations as determined by the Department;

(c) Does not have a demonstrated client census of five (5) or more clients; or

(d) Has one or more deficient practice which presents an immediate threat to the health and safety of its clients.

9903.8 A home support agency that undergoes a modification of ownership or control is required to re-apply for licensure as a new home support agency.

9903.9 The Department shall issue each license only for the premises and the person or persons named as applicant(s) in the license application. The license shall not be valid for use by any other person or at any place other than that designated in the license. Any transfer of the home support agency to a new person or place without the approval of the Department shall result in the immediate forfeiture of the license.

9903.10 A home support agency licensed pursuant to this chapter shall not use the word "health" in its title.

9904 LICENSE FEES

9904.1 License fees for home support agencies shall be based upon a census of clients served in the District of Columbia at the time of applying for the issuance or renewal of a license. The fees shall be as follows:

(a)	Initial Application Processing Fee	$1200
(b)	License Fee	$400
(c)	1 – 50 Clients Annual Renewal Processing Fee	$800
(d)	51 – 150 Clients Annual Renewal Processing Fee	$1400
(e)	151 – 350 Clients Annual Renewal Processing Fee	$2200

(f)	351 or more Clients Annual Renewal Processing Fee	$2600
(g)	Duplicate of License	$100
(h)	Late Fee for Renewal Application	$100

9905 INSURANCE

9905.1 Each home support agency shall maintain the following minimum amounts of insurance coverage:

(a) Blanket malpractice insurance for all professional employees in the amount of at least one million dollars ($1,000,000) per incident; and

(b) Comprehensive general liability insurance covering personal property damages, bodily injury, libel and slander in the amount of at least one million dollars ($1,000,000) per incident or occurrence and two million dollars ($2,000,000) aggregate.

9906 GOVERNING BODY

9906.1 Each home support agency shall have a governing body that shall be responsible for the operation of the home support agency.

9906.2 The governing body shall:

(a) Establish and adopt by-laws, policies, and procedures governing the operation of the home support agency;

(b) Designate a full-time Director who is qualified in accordance with Section 9907 of this chapter;

(c) Review and evaluate, on an annual basis, all policies and procedures governing the operation of the home support agency to ensure that services promote client care that is appropriate, adequate, effective and efficient. This review and evaluation shall include the following:

(1) A review of feedback from a representative sample consisting of either ten percent (10%) of total District of Columbia clients or forty (40) District of Columbia clients, whichever is less, regarding services provided to those clients; and

(2) A review of all complaints and incidents involving the home support agency, including the nature of each complaint or incident, the home support agency's response, and the resolution;

(d) A written report of the results of the evaluation shall be prepared and shall include recommendations for modifications of the home support agency's overall policies or practices, if appropriate; and

(e) The evaluation report shall be acted upon by the governing body at least annually. The results of the action taken by the governing body shall be documented, maintained, and available for review by the Department.

9907 DIRECTOR

9907.1 The Director shall be responsible for managing and directing the home support agency's operations, serving as a liaison between the governing body and staff, employing qualified personnel, and ensuring that staff members are adequately and appropriately trained.

9907.2 The Director shall be available at all times during the business hours of the home support agency.

9907.3 The Director shall designate, in writing, a similarly qualified person to act in the absence of the Director.

9907.4 The home support agency shall advise the Department in writing within fifteen (15) days following any change in the designation of the Director.

9907.5 The Director shall:

(a) Be a registered nurse licensed in the District of Columbia; or

(b) Have training and experience in health services administration, including at least one (1) year of supervisory or administrative experience in health services or related health programs.

9907.6 If the Director is not a registered nurse, the home support agency shall also have a full-time Client Service Coordinator appointed by the Director who is a registered nurse licensed in the District of Columbia.

9907.7 The Client Service Coordinator, or the Director if the Director is a registered nurse, shall:

(a) Be responsible for implementing, coordinating and assuring the quality of client services;

(b) Be available at all times during the business hours of the home support agency;

(c) Participate in all aspects of services provided, including the development of clients' service plans and the assignment of qualified personnel; and

(d) Provide general supervision and direction of the services offered by the home support agency.

9907.8 The Director, Client Service Coordinator, or an individual designated by the Director in writing, must be on-call outside of the home support agency's business hours.

9908 POLICIES AND PROCEDURES

9908.1 Each home support agency shall develop and implement written operational policies and procedures that govern the day-to-day operations of the home support agency. These policies and procedures shall be approved by the governing body and shall be available for review by the Department.

9908.2 The home support agency's written policies and procedures shall govern the following topics, at a minimum:

(a) Personnel;

(b) Admission and denials of admission;

(c) Discharges and referrals;

(d) Coordination of services;

(e) Records retention and disposal;

(f) Client rights and responsibilities;

(g) Complaint process;

(h) Each service offered;

(i) Billing for services;

(j) Supervision of services;

(k) Infection control; and

(l) Management of incidents.

9908.3 Staff shall be oriented towards the written policies and procedures. The written policies and procedures shall be readily available for use by staff at all times.

9908.4 Written policies and procedures shall be available to clients, prospective clients, and client representatives, upon request.

9909 PERSONNEL

9909.1 Each home support agency shall have written personnel policies that shall be available to each staff member and shall include the following:

(a) The terms and conditions of employment, including but not limited to wage scales, hours of work, personal and medical leave, insurance, and benefits;

(b) Provisions for an annual evaluation of each employee's performance by appropriate supervisors;

(c) Provisions pertaining to probationary periods, promotions, disciplinary actions, termination and grievance procedures;

(d) A position description for each category of employee; and

(e) Provisions for orientation, periodic training or continuing education, and periodic competency evaluation.

9909.2 Each home support agency shall maintain accurate personnel records, which shall include the following information for each employee:

(a) Name, address and social security number;

(b) Current professional license, registration, or certification, if any;

(c) Resume of education, training certificates, skills checklist, and prior employment, and evidence of attendance at orientation and in-service training, workshops or seminars;

(d) Documentation of current CPR certification, if required;

(e) Health certification as required by Section 9909.7 of this chapter;

(f) Verification of previous employment;

(g) Documentation of reference checks;

(h) Copies of completed annual evaluations;

(i) Documentation of any required criminal background check;

(j) Documentation of all personnel actions;

(k) A position description signed by the employee;

(l) Results of any competency testing;

(m) Documentation of acceptance or declination of the Hepatitis Vaccine; and

(n) Documentation of insurance, if applicable.

9909.3 Each home support agency shall comply with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code §§ 44-551 *et seq*.), for its employees who are not licensed, certified or registered in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq*.) ("HORA"), and shall ensure that employees who are licensed, registered, or certified in accordance with the HORA are in compliance with the criminal background check requirements of D.C. Official Code § 3-1205.22.

9909.4 Each home support agency shall maintain its personnel records for all personnel serving clients within the District of Columbia in its operating office in paper form or have these records immediately available electronically.

9909.5 Each employee shall have a right to review his or her personnel records.

9909.6 At the time of initial employment, the home support agency shall verify that the employee, within the six (6) months immediately preceding the date of hire, has been screened for and is free of all communicable diseases.

9909.7 Each employee shall be screened for communicable diseases according to the guidelines issued by the federal Centers for Disease Control and Prevention, and shall be certified free of communicable diseases.

9909.8 No employee may provide personal care services, and no home support agency may knowingly permit an employee to provide personal care services, if the employee:

(a) Is under the influence of alcohol, any mind-altering drug or combination thereof; or

(b) Has a communicable disease which poses a confirmed health risk to clients.

9909.9 Each employee who is required to be licensed, certified or registered to provide services in the District of Columbia shall be licensed, certified or registered under the laws and rules of the District of Columbia.

9909.10 Each home support agency shall document the professional qualifications of each employee to ensure that the applicable licenses, certifications, accreditations or registrations are valid.

9909.11 Each home support agency shall ensure that each employee presents a valid home support agency identification prior to entering the home of a client.

9910 ADMISSIONS

9910.1 Each home support agency shall develop and implement written policies on admissions, which shall include, at a minimum, the following:

(a) Admission criteria and procedures;

(b) A description of the services provided;

(c) The amount charged for each service;

(d) Policies governing fees, payments and refunds;

(e) Execution and location of client advance directives (living will and durable power of attorney for health care), as applicable;

(f) Execution and location of client Medical Orders for Scope of Treatment ("MOST"), as applicable;

(g) Communication with the client representative, if applicable;

(h) Client service agreements; and

(i) Client consent for interagency sharing of information.

9910.2 A written summary of the home support agency's admissions policies, including all of the items specified at Subsection 9909.1 of this chapter, shall be made available to each prospective client upon request, and shall be given to each client upon admission.

9910.3 The home support agency shall only admit those individuals whose needs can be met by the home support agency.

9910.4 Each home support agency shall conduct an initial assessment by a registered nurse to ensure that the client does not require services outside of the scope of personal

care services. The assessment shall include a home visit and a review of information provided by the prospective client or the client representative and any other pertinent data and shall take place prior to the time that personal care services are initially provided to the client. The assessment must determine whether the home support agency has the ability to provide the necessary services in a safe and consistent manner.

9910.5 The home support agency shall notify each individual requesting services from the home support agency of the availability or unavailability of service, and the reason(s) therefor, within forty-eight (48) hours after the referral or request for services.

9910.6 A home support agency shall maintain records on each person requesting services whose request is not accepted. The records shall be maintained for at least one (1) year from the date of non-acceptance and shall include the nature of the request for services and the reasons for not accepting the client.

9911 CLIENT SERVICE AGREEMENT

9911.1 There shall be a written service agreement between each client and the home support agency. The agreement shall:

(a) Specify the services to be provided by the home support agency, including but not limited to:

(1) Frequency of visits including scheduled days and hours;

(2) Accompaniment and/or transportation agreements as appropriate;

(3) Procedures for emergency medical response; and

(4) Conditions for discharge and appeal;

(b) Specify the procedure to be followed when the home support agency is not able to keep a scheduled client visit;

(c) Specify financial arrangements, which shall minimally include:

(1) A description of services purchased and the associated cost;

(2) An acceptable method of payment(s) for services;

(3) An outline of the billing procedures, including any required deposits, if applicable;

(4) A requirement that all payments by the client for services rendered shall be made directly to the home support agency or its billing representative and no payments shall be made to or in the name of individual employees of the home support agency; and

(5) The home support agency's policies for non-payment;

(d) Identify the client representative, if applicable;

(e) Specify the home support agency's emergency contact information during both business and non-business hours;

(f) Specify the number for the Department of Health's Complaint Hotline;

(g) Be signed by the client or client representative, if applicable, and the representative of the home support agency prior to the initiation of services;

(h) Be given to the client or client representative, if applicable, and a copy shall be kept in the client record; and

(i) Be reviewed and updated as necessary to reflect any change in the services or the financial arrangements.

9912 DISCHARGES, TRANSFERS, AND REFERRALS

9912.1 Each home support agency shall develop and implement written policies that describe discharge, transfer, and referral criteria and procedures, including timeframe for discharge, transfer, or referral if a need for services beyond personal care services is identified.

9912.2 Each client shall receive written notice of discharge or referral no less than seven (7) days prior to the action. The seven (7) day written notice shall not be required, and oral notice may be given at any time, if the transfer, referral or discharge is the result of:

(a) A medical or social emergency;

(b) A physician's order to admit the client to an in-patient facility;

(c) A determination by the home support agency that the referral or discharge is necessary to protect the health, safety, or welfare of the home support agency's staff; or

(d) The refusal of further services by the client or the client representative.

9912.3 Each home support agency shall document activities related to discharge, transfer, or referral planning for each client in the client's record.

9913 CLIENT SERVICE PLAN

9913.1 The home support agency shall provide services in accordance with a written client service plan in agreement with the client or client representative, if applicable.

9913.2 A registered nurse shall develop a service plan on admission based upon the initial assessment of the client and in accordance with Subsection 9917.4.

9913.3 The service plan shall include at least the following:

(a) The scope and types of services, frequency and duration of services to be provided, including any diet, equipment, and transportation required;

(b) Parameters related to services provided pursuant to Subsection 9917.4(e)-(f) of this chapter;

(c) Functional limitations of the client;

(d) Activities permitted; and

(e) Safety measures required to protect the client from injury.

9913.4 A registered nurse shall review and evaluate the service plan at least every ninety (90) days.

9913.5 A copy of the service plan shall be available to the client or client representative upon request.

9913.6 The personnel assigned to each client shall be oriented to the service plan.

9914 CLIENT RECORDS

9914.1 Each home support agency shall establish and maintain a complete and accurate client record of the services provided to each client in accordance with this chapter and accepted professional standards and practices.

9914.2 Each client record shall include the following information related to the client:

(a) Admission data, including name, address, date of service inquiry, date of birth, sex, next of kin, name and contact information of the client representative (if applicable), date accepted by the home support agency to receive services, and source of payment;

(b) Source of referral;

(c) Initial assessment and on-going evaluation;

(d) Signed client services agreement;

(e) Advance directives (living will and durable power of attorney for health care), if applicable;

(f) General Power of Attorney or Guardianship, if applicable;

(g) MOST, if applicable;

(h) Service plan;

(i) History of sensitivities and allergies;

(j) Medication list;

(k) Service delivery notes signed and dated as appropriate by staff;

(l) Documentation of supervision of personal care services;

(m) Documentation of discharge planning, if appropriate;

(n) Discharge summary, including the reason for termination of services and the effective date of discharge;

(o) Documentation of coordination of services, if applicable;

(p) Communications between the home support agency and all health care professionals involved in the client's care; and

(q) Documentation of training and education given to the client and the client's caregivers.

9915 RECORDS RETENTION AND DISPOSAL

9915.1 Each home support agency shall maintain a records system that shall include the following:

(a) Written policies that provide for the protection, confidentiality, retention, storage, and maintenance of home support agency records; and

(b) Written procedures that address the transfer or disposition of home support agency records in the event of dissolution of the home support agency.

9915.2 If a home support agency is dissolved and there is no identified new owner, the home support agency records shall be retained either electronically or in paper form so as to be retrievable upon request by the client or the client representative for a period of five (5) years following the date of dissolution. The records shall be produced to the client or client representative within thirty (30) days of receipt of a request and at no cost to the client or the client representative.

9915.3 Each home support agency shall inform the Department and each client in writing, within thirty (30) days of dissolution of the home support agency, of the location of the client records and how each client may obtain his or her records.

9915.4 A home support agency shall maintain client records for at least five (5) years after the date of discharge of the client.

9915.5 A home support agency shall maintain records of complaints and incidents for a minimum of five (5) years.

9915.6 A home support agency shall maintain the personnel records of each staff member for at least five (5) years after the date of termination or separation.

9915.7 Department authorities shall have access to home support agency records at all times.

9916 CLIENT RIGHTS AND RESPONSIBILITIES

9916.1 Each home support agency shall develop a written statement of client rights and responsibilities that shall be given, upon admission, to each client who receives personal care services or the client representative, if applicable.

9916.2 Each home support agency shall develop policies to ensure that each client who receives personal care services has the following rights:

(a) To be treated with courtesy, dignity, and respect;

(b) To control his or her own household and lifestyle;

(c) To be informed orally and in writing of the following:

(1) Services to be provided by the home support agency, including any limits on service availability;

(2) The amount charged for each service, and procedures for billing and non-payment;

(3) Prompt notification of acceptance, denial or reduction of services;

(4) Complaint process; and

(5) The telephone number of the Complaint Hotline maintained by the Department;

(d) To receive services consistent with the service agreement and with the client's service plan;

(e) To participate in the planning and implementation of his or her personal care services;

(f) To receive services by competent personnel who can communicate with the client;

(g) To refuse all or part of any service and to be informed of the consequences of refusal;

(h) To be free from mental and physical abuse, neglect, and exploitation by home support agency employees;

(i) To be assured confidential handling of client records as provided by law;

(j) To be educated about and trained in matters related to the services to be provided;

(k) To voice a complaint or other feedback to the Department or the home support agency in confidence and without fear of reprisal from the home support agency or any home support agency personnel, in writing or orally, including an in-person conference if desired, and to receive a timely response to a complaint as provided in these rules; and

(l) To have access to his or her own client records.

9916.3 Each home support agency shall inform all clients that they have the right to make complaints and to provide feedback concerning the services rendered by the home support agency to the Department, in confidence and without fear of reprisal from the home support agency or any home support agency personnel, in writing or orally, including an in person conference if desired.

9916.4 Each home support agency shall develop a statement of client responsibilities regarding the following:

(a) Treating home support agency personnel with respect and dignity;

(b) Providing accurate information when requested;

(c) Informing the home support agency when instructions are not understood or cannot be followed;

(d) Cooperating in making a safe environment for care within the home; and

(e) Providing prompt payment for services.

9916.5 Written policies on client rights and responsibilities shall be made available to the general public.

9916.6 The home support agency shall take appropriate steps to ensure that all information is conveyed, pursuant to these rules, to any client who cannot read or who otherwise needs accommodations in an alternative language or communication method. The home support agency shall document in the client's records the steps taken to ensure that the client has been provided effectively with all required information.

9917 MANAGEMENT OF COMPLAINTS AND INCIDENTS

9917.1 Each home support agency shall develop and implement policies and procedures for receiving, processing, documenting, and investigating complaints and incidents.

9917.2 A complaint may be presented to the home support agency orally or in writing.

9917.3 A written summary of the complaint process shall be given to the client or client representative upon acceptance or denial of services.

9917.4 The telephone number of the Complaint Hotline maintained by the Department shall be posted in the home support agency's operating office in a place where it is visible to all staff and visitors.

9917.5 Each home support agency shall respond to each complaint received by it within fourteen (14) days of receipt, shall investigate the complaint as soon as reasonably possible, and shall, upon completion of the investigation, provide the complainant with the results of the investigation.

9917.6 If the client indicates that he or she is not satisfied with the response, the home support agency shall respond in writing within thirty (30) days from the client’s expression of dissatisfaction. The response shall include the telephone number and address of all District government agencies with which a complaint may be filed and the telephone number of the Complaint Hotline maintained by the Department.

9917.7 The home support agency shall report all incidents involving a client occurring in the presence of staff to the Department within forty-eight (48) hours in addition to other reporting requirements prescribed by law.

9917.8 The home support agency shall investigate all incidents. The home support agency shall forward a complete investigation report to the Department within thirty (30) days of the occurrence or of the date that the home support agency first became aware of the incident.

9917.9 Each home support agency shall develop and implement a system of documenting complaints and incidents, which shall reflect all complaint, incident, and investigative activity for each year, and which shall include, for each complaint or incident:

(a) The name, address and phone number of the complainant or client involved in the incident, if known;

(b) If the complaint is anonymous, a statement so indicating;

(c) The date on which the complaint is received or the incident occurred;

(d) A description of the complaint or incident, including the names of any staff involved;

(e) The date on which the investigation is completed;

(f) Whether the complaint is substantiated; and

(g) Any subsequent action taken as a result of the complaint or incident, and the date on which the action was taken.

9917.10 Each home support agency shall report any action taken by, or any condition affecting the fitness to practice of, a registered nurse or home health aide that might be grounds for enforcement or disciplinary action under HORA or Home Health Aide Regulations of Chapter 93 of Title 17 of the District of Columbia Municipal Regulations to the Department within five (5) business days of the home support agency's receipt of the relevant information.

9917.11 The Department may receive and investigate a complaint alleging violation of any provision of this chapter and may investigate any incident.

9917.12 Based on a licensee's or applicant's violation of any provision of this chapter, the Department may initiate an enforcement action which may include license denial, license suspension, license summary suspension, or license revocation.

9917.13 As an alternative to denial, suspension, or revocation of a license when a home support agency has numerous deficiencies or a serious single deficiency with respect to the standards established under this chapter, the Director may:

(a) Issue a provisional license if the home support agency is taking appropriate ameliorative action in accordance with a mutually agreed upon timetable; or

(b) Issue a restricted license that prohibits the home support agency from accepting new clients or delivering certain specified services that it would otherwise be authorized to deliver, if appropriate ameliorative action is not forthcoming.

9917.14 A provisional or restricted issued under this section may be granted for a period not exceeding ninety (90) days, and may be renewed no more than once.

9917.15 When a provisional or restricted license has expired the Department may choose to initiate enforcement action in accordance with this section.

9918 PERSONAL CARE SERVICES

9918.1 A home support agency may offer personal care services and shall employ qualified home health aides pursuant to 17 DCMR §§ 9300 *et seq* to perform those services.

9918.2 Each home health aide shall be supervised by a registered nurse. On-site supervision of personal care services shall take place at least once every ninety (90) days.

9918.3 The home support agency shall have an adequate number of registered nurses to supervise the implementation of personal care services.

9918.4 Personal care services may include the following:

(a) Basic personal care including bathing, grooming, dressing, and assistance with toileting;

(b) Assisting with incontinence, including bed pan use, changing urinary drainage bags, protective underwear, and monitoring urine input and output;

(c) Assisting the client with transfer, ambulation, and exercise as prescribed;

(d) Assisting the client with self-administration of medication;

(e) Reading and recording temperature, pulse, and respiration;

(f) Measuring and recording blood pressure, height, and weight;

(g) Observing, recording, and reporting the client's physical condition, behavior, or appearance;

(h) Meal preparation in accordance with dietary guidelines, and assistance with eating;

(i) Implementation of universal precautions to ensure infection control;

(j) Tasks related to keeping the client's living area in a condition that promotes the client's health and comfort;

(k) Accompanying or transporting the client to medical and medically-related appointments, to the client's place of employment, and to recreational activities;

(l) Assisting the client at his or her place of employment;

(m) Shopping for items related to promoting the client's nutritional status and other health needs; and

(n) Providing companion services.

9919 COORDINATION OF SERVICES

9919.1 A home support agency shall develop and implement policies and procedures relating to:

(a) The delineation of services provided by the home support agency when the home support agency coordinates services within the home support agency or with another provider; and

(b) Notification to the client or client representative of the home support agency's responsibilities to coordinate services when appropriate.

9919.2 Personnel providing services shall communicate with each other to assure their efforts effectively complement one another and support the objectives outlined in the client service plan.

9919.3 The client record or minutes of case conferences shall establish that effective interchange, reporting, and coordinated client evaluation and planning occurs.

9999 DEFINITIONS

9999.1 For the purposes of this chapter, the following terms shall have the meanings ascribed below:

Admission - A home support agency's acceptance of client to provide personal care services.

Business day - Monday through Friday between the hours of 8:00am and 6:00pm, excluding public holidays.

Business hours - The hours during the day in which business operations are commonly conducted in the operating office by the licensee.

Client - The individual receiving home support agency services as defined in this chapter.

Client record - A written account of all services provided to a client by the home support agency, as well as other pertinent information necessary to provide care.

Client representative - A person designated in writing by the client in the service agreement or a person acting in a representative capacity under a durable power of attorney, durable power of attorney for health care, or guardianship pursuant to District law, or other legal representative arrangement.

Client Service Coordinator - A registered nurse who is sufficiently qualified to provide general supervision and direction of the services offered by the home support agency and who has at least one (1) year administrative or supervisory experience in personal care, home health care, or related health programs.

Client service plan - A written plan developed by the registered nurse in agreement with the client or client representative, if applicable, that specifies the tasks that are to be performed by the aide primarily in the client's residence. The written plan specifies scope, frequency, and duration of services.

Companion services - Non-healthcare related services, such as cooking, housekeeping, errands, and social interaction.

Complaint - Any occurrence or grievance reported by a client or client representative related to the nature of the services provided by the home support agency.

Department - The District of Columbia Department of Health.

Director - The individual appointed by the governing body to act on its behalf in the overall management of the home support agency.

Full-time - Employment period by the home support agency, at minimum, during each of the home support agency's established business days.

Governing body - The individual, partnership, group, or corporation designated to assume full legal responsibility for the policy determination, management, operation, and financial liability of the home support agency.

Home health aide - A person who performs home health and personal care services, and who is qualified to perform such services pursuant to Chapter 93 of Title 17 of the District of Columbia Municipal Regulations.

Home support agency - An entity licensed in accordance with this chapter that employs home health aides to provide personal care services to clients.

Incident - Any occurrence that results in significant harm, or the potential for significant harm, to a client's health, welfare, or well-being. Incidents include an accident resulting in significant injury to a client, death, misappropriation of a client's property or funds, or an occurrence requiring or resulting in intervention from law enforcement or emergency response personnel.

License - Formal permission granted by the Department to act as a home support agency in accordance with law.

Licensee - The individual or entity to whom the Department has granted formal permission to act as a home support agency in accordance with law.

Modification of ownership and control - The sale, purchase, transfer or re-organization of ownership rights.

Medical Orders for Scope of Treatment (MOST) Form - A set of portable, medical orders on a form issued by the Department that results from a client's or a client representative's informed decision-making with a health care professional pursuant to D.C Official Code §§ 21-2221 *et seq*.

Operating Office - The physical location at which the business of the home support agency is conducted and at which the records of personnel, clients, incidents, and complaints of the home support agency are stored either electronically or physically.

Personal care services - Services that are limited to individual assistance with or supervision of activities of daily living, companion services, homemaker services, reporting changes in client's condition, and completing reports. Personal care services do not include skilled services.

Registered nurse - An individual who is currently licensed to practice nursing under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq*.)

Service delivery notes - Documentation of the duties or tasks completed per shift by a home health aide, nursing supervision, and any other pertinent information related to the provision of services.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the proposal and adoption, on an emergency basis, of amendments to Chapter 41 (Medicaid Reimbursement for Intermediate Care Facilities for Individuals with Intellectual Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this emergency and proposed rulemaking is to update Medicaid reimbursement requirements for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID).

Previously, the rules governing reimbursement to ICFs/IID had specific rules in place governing what ICF/IID facilities would be paid if documentation of recertification was submitted after the requested deadline. Specifically, the rules required that: (1) late submission of documentation required for recertifications would result in payments at the rates that correspond to the lowest acuity level, Acuity Level 1 (Base), beginning on the first day following the expiration of the acuity level certification; and (2) DHCF would not make retroactive adjustments to the reimbursement rates for late submissions of recertification documentation. Providers have requested that DHCF ensure reasonable and fair payments to ICF/IIDs, claiming that application of the rules have been more restrictive than intended, and has complicated the cost reporting process for providers. DHCF is proposing to revise the rules to ensure that ICF/IID providers can be paid at a fair and reasonable rate based on the actual acuity level of the beneficiary. DHCF will also publish clarifying guidance on the recertification process on its website at dhcf.dc.gov.

These amended rules change existing reimbursement policy to enable DHCF to reimburse providers for care delivered at the appropriate reimbursement rate, even if recertifications are submitted late. DHCF believes this change will ensure fair and adequate reimbursement for ICF/IID providers that must recertify the acuity level assignments of beneficiaries in order to continue providing services.

Additionally, these amended rules remove the outdated reimbursement rate chart, replace it with language providing the location of current ICF/IID rates on the DHCF website, and add a brief description of the public notice process that DHCF must follow prior to making any updates to reimbursement rates. The prior rules contained a chart of the reimbursement rates for ICF/IID services, which could not realistically be updated with sufficient regularity to accurately display the current rates on a continuous basis. By striking the chart and instead directing providers to the updated Medicaid ICF/IID rates published online, DHCF can reduce confusion by ensuring

continuous provider access to accurate ICF/IID reimbursement information published in a single location. This change also provides more flexibility and administrative simplicity to DHCF's rate change process and ensures the agency can make more timely updates as needed. This approach is consistent with the current notice requirements for most other Medicaid providers.

The proposed changes associated with this rulemaking will have no corresponding fiscal impact.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District Medicaid beneficiaries in need of continual ICF/IID services, pursuant to 1 DCMR § 311.4(e). These rules are being enacted on an emergency basis to ensure that eligible providers are appropriately reimbursed for the ICF/IID services provided to beneficiaries. Any delay in enactment could hinder ICF/IID providers' ability to provide necessary ICF/IID services to District Medicaid beneficiaries without disruption.

These emergency and proposed rules were adopted on May 28, 2020 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days from the adoption date or until September 25, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director also gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 41, MEDICAID REIMBURSEMENT FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 4101.15 of Section 4101, ACUITY LEVEL ASSIGNMENTS, is amended to read as follows:

4101.15 In the event of delay in the submission or processing of documentation required for recertifications, as described in § 4101.14, DHCF shall continue to reimburse the ICF/IDD provider at the rate that corresponds to the expired acuity level assignment until the date that the recertification is processed and the final acuity level determination is made. DHCF shall publish guidance on the recertification process on its website dhcf.dc.gov.

Subsection 4102.16 of Section 4102, REIMBURSEMENT METHODOLOGY, is amended to read as follows:

4102.16 Reimbursement for ICF/IID services shall be made in accordance with rates published to the DHCF website at dhcf.dc.gov.

A new Subsection 4102.17 of Section 4102, REIMBURSEMENT METHODOLOGY, is added to read as follows:

4102.17 A public notice of ICF/IID services reimbursement rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change. The notice shall include a link to the DHCF website and provide an opportunity for meaningful comment.

Subsection 4105.2 of Section 4105, REBASING, is amended to read as follows:

4105.2 Reimbursement rates shall be updated any time that the reimbursement rates are updated based on a rebasing, as described in § 4105.1. In accordance with the requirements set forth in §§ 4102.16 and 4102.17, public notice of ICF/IID services reimbursement rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change and shall include a link to the DHCF website.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street N.W., Suite 900, Washington, D.C. 20001, via telephone at (202) 442-8742, via email at DHCFPublicComments@dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Transportation, pursuant to the authority in Sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(a)(3), and 50-921.05 (2014 Repl.)), Sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b) (2014 Repl.)), Mayor's Order 77-127, dated August 3, 1977, hereby gives notice of the intent to adopt amendments to Chapter 22 (Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

To help achieve the goal of zero fatalities and serious injuries to travelers of the District's transportation system, these emergency and proposed rules amend Chapter 22 of Title 18 DCMR to reduce the speed limit throughout the District of Columbia to twenty (20) miles per hour unless otherwise posted.

This emergency rule was adopted on June 1, 2020 and became effective immediately. This emergency rule will remain in effect until September 29, 2020, one hundred twenty (120) days from the date it was adopted.

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

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 22, MOVING VIOLATIONS, is amended as follows:

Section 2200, SPEED RESTRICTIONS, is amended as follows:

Subsection 2200.6 is amended to read as follows:

2200.6 On all streets and highways, unless otherwise designated in accordance with § 2200.2, the maximum lawful speed shall be twenty miles per hour (20 mph).

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Anthony C. Willingham, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

APPLETREE PUBLIC CHARTER SCHOOL
and
APPLETREE INSTITUTE FOR EDUCATION INNOVATION

NOTICE OF SOLE SOURCE CONTRACTING

Student Computers

AppleTree Public Charter School and AppleTree Institute for Education Innovation are entering into a sole source contract with an organization to provide student laptops. Please contact John Moore for details. 1801 Mississippi Avenue SE, Washington, DC 20020, or e-mail at john.moore@appletreeinstitute.org.

BRIYA PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Briya PCS solicits proposals for the following:

- **Volunteer Placement Agency**
- **Laptop Personal Computers and Chrome Books**

Full RFP(s) by request. Proposals shall be submitted as PDF documents no later than 5:00 PM on Tuesday, June 23, 2020 Contact: bids@briya.org

CAPITAL VILLAGE PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

FINANCE & ACCOUNTING SERVICES

CAPITAL VILLAGE PUBLIC CHARTER SCHOOL is soliciting proposals from qualified vendors for FINANCE & ACCOUNTING SERVICES for our first year of operation, fiscal year 2021 (July 1, 2020 to June 30, 2021). The RFP can be found on the Captial Village website at www.capitalvillageschools.org/rfps. Proposals should be uploaded to the website no later than 5:00 PM EST, on June 23, 2020. Questions can be addressed to Keina Hodge at: RFP@CapitalVillageSchools.org or (202) 505-1375.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FOR-HIRE VEHICLES ADVISORY COUNCIL VIRTUAL MEETING

The For-Hire Vehicle Advisory Council will hold a virtual meeting on Tuesday, June 16, 2020 at 10:00 am. The meeting will be held via WebEx Events Teleconference.

The final agenda will be posted no later than seven (7) days before the For-Hire Vehicle Advisory Council Meeting on the DFHV website at www.dfhv.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Council on any issue of concern; the Council generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed two (2) minutes to address the Council. To register, please call 202-716-3295 no later than 3:00 p.m. on June 15, 2020. Registered speakers will be called first, in the order of registration. **Registered speakers must provide electronic copies of their typewritten statements to the Advisory Council Secretary, Chau Tran, at chau.tran@dc.gov no later than the time they are called to testify.**

DRAFT AGENDA

I. Call to Order

II. Advisory Council Communication

III. Advisory Council Action Items

IV. Department of For-Hire Vehicles staff reports

V. Government Communications and Presentations

VI. Public Comment Period

VII. Adjournment

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE FOR HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

The Department of Health Care Finance (DHCF), in accordance with the requirements in 29 DCMR §§ 988.4 and 1901.2, announces publication of the Medicaid Fee Schedule setting forth the reimbursement rates, effective July 1, 2020, for services available to participants under the Medicaid Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), operates the ID/DD Waiver under the supervision of DHCF. The ID/DD Waiver was renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2017.

As required under 29 DCMR § 1901.2, DHCF is identifying through this Public Notice the changes in the reimbursement rates for services rendered on or after July 1, 2020, for certain ID/DD Waiver services listed in 29 DCMR § 1901.1. The new rates align with ID/DD Renewal Waiver Year 3 rate methodology, include the 2020 D.C. Living Wage of $15.00 where required, continue to include the 0.62% increase to the service categories affected by the D.C. Universal Paid Leave Act of 2015, and are expressly subject to the service and other limitations described in the ID/DD Waiver and applicable rules.

DHCF is increasing the reimbursement rates for eleven (11) ID/DD Waiver services as follows: (1) Behavioral Support Services, 29 DCMR § 1919; (2) Companion Services, 29 DCMR § 1939; (3) Day Habilitation Services, 29 DCMR § 1920; (4) Employment Readiness Services, 29 DCMR § 1922; (5) Host Home without Transportation Services, 29 DCMR § 1915; (6) Individualized Day Supports Services, 29 DCMR § 1925; (7) In-Home Supports Services, 29 DCMR § 1916; (8) Residential Habilitation Services, 29 DCMR § 1929; (9) Respite Services, 29 DCMR § 1930; (10) Supported Employment Services – Individual and Small Group Services, 29 DCMR § 1933; and (11) Supported Living Services, 29 DCMR § 1934.

For Personal Care Services, 29 DCMR § 1910, and Skilled Nursing Services, 29 DCMR § 1931, DHCF will reimburse providers at the rate set forth in the Medicaid Fee Schedule for the Medicaid State Plan, and for Dental Services, 29 DCMR § 1921, DHCF will continue to reimburse providers at the rate set forth in the Medicaid Fee Schedule for the Medicaid State Plan increased by twenty (20) percent.

These reimbursement rates for each service will be included on the Medicaid Fee Schedule for the ID/DD Waiver and will become effective on July 1, 2020. These new rates do not replace the rates temporarily established in response to the District of Columbia Public Health Emergency established by Mayor's Order 2020-046 dated March 11, 2020, as extended. The Medicaid Fee

Schedule for the ID/DD Waiver is located on the DHCF website at https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload. For further information or questions regarding this fee schedule update, please contact Samuel Woldeghiorgis, Reimbursement Analyst, DHCF, at samuel.woldeghiorgis@dc.gov at (202) 442-9240.

DEPARTMENT OF HEALTH CARE FINANCE &
DEPARTMENT ON DISABILITY SERVICES

PUBLIC NOTICE OF WAIVER AMENDMENT

Home and Community-Based Services Waiver for
People with Intellectual and Developmental Disabilities

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2018 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2018 Repl.)), hereby give notice of their intent to submit an application for amendments to the District of Columbia Medicaid's Home and Community-Based Services for People with Intellectual and Developmental Disabilities (IDD) Waiver program to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The amendment application for the IDD Waiver contains three types of changes to be effective in IDD Waiver Year 3, or upon approval by CMS, as follows: (1) changes to the amount, duration and scope of several services; (2) systemic changes that relate to systems improvements, including the new DDS Developmental Disabilities Administration (DDA) Formal Complaint System; and (3) reimbursement rate changes to comply with the District Universal Paid Leave Act and the Living Wage Act.

Based on review of IDD waiver service utilization, the District is proposing changes to nine (9) IDD waiver services (*i.e.* Assistive Technology, Companion, Day Habilitation, Employment Readiness, Host Home without Transportation, Residential Habilitation, Respite, Supported Living, and Wellness Services) to align their scope with actual participant need and encouraging the use of natural supports in lieu of paid services. The District is also proposing systemic changes that would amend Waiver Appendices H, F, and G, respectively, to: (1) reflect DDS review of citation of deficiency reports from the Department of Health; (2) recognize the statutorily-mandated DDA Formal Complaint System; and (3) update the incident management and enforcement mechanism so that Service Coordinators have three (3) business days within which to follow-up on services or unmet needs after acceptance of serious reportable incidents (SRIs), and Investigators have three (3) business days within which to conduct and in-person visit for SRIs involving abuse, neglect or serious physical injury. The District is proposing to increase reimbursement rates for IDD waiver services to conform to the Universal Paid Leave Act and the Living Wage Act.

A summary of all of the proposed substantive changes in the amendment application, including detailed information about any substantive changes to rates, and copies of the proposed waiver amendment application may be obtained on the DDS website at http://dds.dc.gov/idd-waiver-amendment, and is available upon request from Kirk Dobson, Deputy Director, Quality Assurance and Performance Management Administration (QAPMA), D.C. Department on Disability Services, 250 E Street, SW, 6th Floor, Washington DC 20024, or by email to dds.qapma@dc.gov.

There are two opportunities for the public to provide comments or other input on the proposed HCBS IDD Waiver amendments:

First, written comments on the proposed IDD Waiver amendment shall be submitted to: Ieisha Gray, Director, Long Term Care Administration, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at during the thirty (30) calendar day public comment period, starting from the date this notice is published in the *D.C. Register*.

Second, DHCF and DDS will hold a virtual public forum during which written and oral comments on the proposed waiver amendment will be accepted. The virtual public forum will be held on June 25, 2020, from 10:00 am to 11:30apm. Scheduling information for the public forum will be posted on the DDS website at http://dds.dc.gov/idd-waiver-amendment. Individuals can join the public forum by telephone by dialing **1-650-479-3208** and using the access code **472 477 560**, or by web conference by going to https://dcnet.webex.com/dcnet/j.php?MTID=mbeb3574df7e4090016cd66fb330948ec

Accommodations for the public forum are available upon request. Please provide your name, address, telephone number, organizational affiliation and accommodation request, if needed, by June 19, 2020, to Cynthia Scott at (202) 910-0148 or cynthia.scott@dc.gov.

Electronic copies of this notice also will be published on the DDS website at http://dds.dc.gov.

For further information, please contact Kirk Dobson, DDS Deputy Director for QAMPA, at dds.qapma@dc.gov, or visit the DDS website at http://dds.dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE &
DEPARTMENT ON DISABILITY SERVICES

PUBLIC NOTICE OF WAIVER APPLICATION

Home and Community-Based Services Individual and Family Support Waiver (IFS)

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2018 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2018 Repl.)), hereby give notice of their intent to submit an application for the District of Columbia Medicaid's new Home- and Community-Based Services for Individual and Family Support (IFS) Waiver program to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The new IFS Waiver is intended to establish a program that will allow District residents with intellectual or developmental disabilities (IDD) who live in an independent environment, either in their own homes or with family or friends, to receive HCBS services and supports tailored to their specific needs. DDS is proposing to create a streamlined IFS Waiver to meets the needs of individuals who can leverage supports from family or friends and do not need residential services. In this way, the new IFS Waiver will offer person-centered services that meet the person's needs in the least restrictive setting needed, applying the highest standards of quality and national best practices.

The IFS Waiver will offer a full range of health and clinical services necessary to help persons with complex support needs and their families to choose an alternative to institutional service that promotes community inclusion and independence by enhancing and not replacing existing informal networks. The new IFS Waiver will use eighteen (18) services, all of which are currently available under the more comprehensive Medicaid IDD Waiver, and add a new Education Supports Services. Residential supports and services will not be included in the IFS waiver.

A summary of the proposed application, including detailed information about the services and reimbursement rates, and copies of the application, may be obtained on the DDS website at http://dds.dc.gov/ifs-waiver, and is available upon request from Kirk Dobson, Deputy Director, Quality Assurance and Performance Management Administration (QAPMA), D.C. Department on Disability Services, 250 E Street, SW, 6th Floor, Washington DC 20024, or by email to dds.qapma@dc.gov.

There are two opportunities for the public to provide comments or other input on the proposed new HCBS IFS Waiver application:

First, written comments on the proposed new HCBS IFS Waiver application shall be submitted to: Ieisha Gray, Director, Long Term Care Administration, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at dhcfpubliccomments@dc.gov, during the thirty (30) calendar day public comment period, starting from the date this notice is published in the *D.C. Register*.

Second, DHCF and DDS will hold a virtual public forum during which written and oral comments on the proposed new HCBS IFS Waiver application will be accepted. The virtual public forum will be held on **June 24, 2020, from 10:00 am to 11:30 am**. Scheduling information for the public forum will be posted on the DDS website at http://dds.dc.gov/ifs-waiver. Individuals can join the public forum by telephone by dialing **1-650-479-3208** and using the access code **479 487 709**, or by web conference by going to https://dcnet.webex.com/dcnet/j.php?MTID=m14e02c4c34d50292afaded40b5348cf9

Accommodations for the public forum are available upon request. Please provide your name, address, telephone number, organizational affiliation and accommodation request, if needed, by June 19, 2020, to Cynthia Scott at (202) 910-0148 or cynthia.scott@dc.gov.

Electronic copies of this notice also will be published on the DDS website at http://dds.dc.gov.

For further information, please contact please contact Kirk Dobson, DDS Deputy Director for QAMPA, at kirk.dobson@dc.gov, or visit the DDS website at http://dds.dc.gov.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Social Work ("Board") hereby gives notice of its upcoming meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

The Board meets monthly on the fourth Monday of each month from 10:00 AM to 1:00 PM. The meeting will be open to the public from 10:00 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:30 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:
Meeting number: 478 300 028
Password: qJ2-iGStRP34
https://dcnet.webex.com/dcnet/j.php?MTID=m98cde39750bd20eaace19ba67f6a4693

By phone:
1-650-479-3208 Call-in toll number (US/Canada)
Access code: 478 300 028

The agenda is available at https://dchealth.dc.gov/publication/board-social-work-agendas. For additional information, contact the Health Licensing Specialist at mavis.azariah@dc.gov or (202) 442-4782.

KIPP DC PUBLIC CHARTER SCHOOLS

REQUEST FOR PROPOSALS

Fresh Fruits and Vegetables Food Program

KIPP DC is soliciting proposals from qualified vendors for a Fresh Fruits and Vegetables Program. 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 23, 2020. Questions can be addressed to dionna.day@kippdc.org.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request from E.L. Haynes Public Charter School (E.L. Haynes PCS) on May 15, 2020. The school seeks to amend its charter agreement by modifying its mission.

Currently in its sixteenth year of operation, E.L. Haynes PCS educates students in grades pre-kindergarten 3 through 12. The school completed a strategic planning process in March 2019, which spurred development of a new mission. The table below shows the school's current and proposed mission statements.

Current Mission Statement	Proposed Mission Statement
Every E.L. Haynes student of every race, socioeconomic status and home language will reach high levels of academic achievement and be prepared to succeed at the college of his or her choice. Every E.L. Haynes student will be adept at mathematical reasoning, will use scientific methods effectively to frame and solve problems, and will develop the lifelong skills needed to be a successful individual, an active community member, and a responsible citizen.	We are a learning community where every student—of every race, socioeconomic status, home language, and ability—prepares to thrive in college, career, and life. Together, we create a more just and kind world.

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

DATES:

- Comments must be submitted on or before June 22, 2020.
- The public hearing will be on June 22, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be on July 20, 2020, at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "E.L. Haynes PCS – Notice of Petition to Amend Charter – Mission," by any one of the methods listed below.

1. Submit a written comment via
   a) E-mail: public.comment@dcpcsb.org
   b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010
2. Sign up to testify in person at the public hearing on June 22, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, June 18, 2020.

For Further Information, **contact** Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on a written request from Friendship Public Charter School (Friendship PCS) on May 15, 2020. The school seeks a waiver to offer competency-based learning (CBL) units, which requires an amendment to its charter agreement.

Currently in its twenty-second year of operation, Friendship PCS educates students in grades pre-kindergarten 3 through 12 across 16 campuses. One of its campuses, Friendship PCS – Collegiate Academy, has a virtual high school program known as Collegiate Online. Beginning in school year (SY) 2020-21, Friendship PCS proposes offering CBL units to students who are enrolled in or complete coursework through Collegiate Online. If approved, students will have the option to learn content at their own pace, earning CBL credits that count towards graduation. Per Friendship PCS, unlike traditional Carnegie credits, the CBL approach will "ensure that these students meet their academic, extra-curricular, and professional goals, while staying engaged in school and earning a high school diploma."

DATES: Comments must be submitted on or before June 22, 2020.

- The public hearing will be on June 22, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be on July 20, 2020, at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Friendship PCS – Notice of Petition to Amend Charter – Competency-Based Learning Waiver," by any one of the methods listed below.

1. Submit a written comment* via
   a) E-mail: public.comment@dcpcsb.org
   b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010

   *Please select only one of the actions listed.

2. Sign up to testify in person at the public hearing on June 22, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, June 18, 2020.

Contact: If you have questions, contact Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on a written request from Kingsman Academy Public Charter School (Kingsman PCS) on May 18, 2020. The school seeks a waiver to offer competency-based learning (CBL) units, which requires an amendment to its charter agreement.

Currently in its fifth year of operation, Kingsman PCS is an alternative school serving grades six through 12. Beginning in school year (SY) 2020-21, the school proposes changing its credit attainment system by requiring students to complete CBL units instead of Carnegie (or seat time) units. Kingsman PCS says adopting a CBL approach to credit attainment will complement the school's use of the Marzano Resources' personalized competency-based education (PCBE) framework. The school has been using the PCBE framework since SY 2016-17, and says it is unable "to implement the framework…in a way that is most conducive for student learning and success" because it is "implementing a competency-based framework in a CarnegieUnit environment." As such, the school seeks a CBL waiver, enabling Kingsman PCS to implement the PCBE framework fully.

DATES: Comments must be submitted on or before June 22, 2020.

- The public hearing will be on June 22, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be on July 20, 2020, at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Kingsman PCS – Notice of Petition to Amend Charter – Competency-Based Learning Waiver," by any one of the methods listed below.

1. Submit a written comment* via
   a) E-mail: public.comment@dcpcsb.org
   b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010

   *Please select only one of the actions listed.

2. Sign up to testify in person at the public hearing on June 22, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, June 18, 2020.

Contact: If you have questions, contact Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

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

NOTICE OF MEETING DATE CHANGE AND ELECTRONIC MEETING

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that the format of previously announced meetings scheduled for June 11, July 9 and September 10 has changed.

The meetings will take place via conference call. The dial in information is toll-free (U.S. and Canada): 1(866) 576-0416, conference code 7681427. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

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

(202) 249-3275
jlawrence@eventsdc.com

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, June 18, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

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

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	AWTP Status Updates 1. BPAWTP Performance	Vice-President, Wastewater Ops
3.	Status Updates	Senior VP
4.	Project Status Updates	Director, Engineering & Technical Services
5.	Action Items - Joint Use - Non-Joint Use	Senior VP
6.	Water Quality Monitoring	Senior Director, Water Ops
7.	Action Items	Senior VP Senior Director, Water Ops Director, Customer Care
8.	Emerging Items/Other Business	
9.	Executive Session	
10.	Adjournment	Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, June 25, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

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

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	May 2020 Financial Report	Committee Chairperson
3.	Agenda for July 2020 Committee Meeting	Committee Chairperson
4.	Adjournment	Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, June 23, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

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

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	Monthly Updates	Executive VP, Finance & Procurement
3.	Committee Work Plan	Executive VP, Finance & Procurement
4.	Other Business	Executive VP, Finance & Procurement
5.	Adjournment	Committee Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19629 of Timothy and Charlotte Lawrence, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 5108.1 and 5204 from the rear yard requirements of Subtitle E § 5104.1 and the side yard requirements of Subtitle E § 5105.1, and pursuant to Subtitle X, Chapter 10, for variances from the lot frontage requirements of Subtitle C § 303.3(a), the lot area requirements of Subtitle C § 303.3(b), and the alley centerline setback requirements of Subtitle E § 5106.1 to construct a garage structure on an alley lot in the RF-1 zone at premises 1665 Harvard Street, N.W. (Rear). (Square 2588, Lot 827).[1]

HEARING DATES: February 21 and April 17, 2018
DECISION DATE: May 9, 2018 and May 27, 2020[2]

DECISION AND ORDER

This self-certified application was submitted on September 8, 2017 on behalf of Timothy and Charlotte Lawrence, the owners of the property that is the subject of the application (the "Applicants"). After a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated October 16, 2017, the Office of Zoning provided notice of the application and of the public hearing to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 1;

[1] The caption has been revised to reflect changes to the self-certified application. The Applicants originally proposed to build a two-story principal dwelling on the subject property and requested special exceptions from the requirements for rear yard (south) under Subtitle E § 5104.1 and for side yard (west) under Subtitle E § 5105.1 as well as variances from the requirements for alley centerline setbacks (north and east) under Subtitle E § 5106.1 and the pervious surface requirements of Subtitle E § 5107.1. (*See* Exhibits 1 and 5.) The Applicants subsequently modified their proposed building from a dwelling to a one-story, two-car private garage, and amended the application to add a request for a special exception under Subtitle U § 601.1(b) to allow a parking use on an alley lot; the Applicants also added a request for an area variance from the subdivision requirements of Subtitle C § 303.3. (*See* Exhibit 55.) Later, the Applicants modified the design of the proposed garage, thereby eliminating the need for relief from the pervious surface requirements of Subtitle E § 5107.1. (*See* Exhibit 60.) Another modification eliminated the need for relief from Subtitle U § 601.1(b) and from the alley centerline setback requirement on the east side of the property, while increasing the degree of side yard relief needed on the west side. (*See* Exhibit 77.)

[2] On May 27, 2020, the Board voted to rescind its initial vote to deny the application from May 9, 2018 in order to clarify the relief at issue and to again vote to deny the application.

the four at-large members of the D.C. Council; Advisory Neighborhood Commission ("ANC") 1D, the ANC in which the subject property is located; Single Member District/ANC 1D05; and ANC 1C. Pursuant to 11 DCMR Subtitle Y § 402.1, on October 16, 2017 the Office of Zoning also mailed letters providing notice of the hearing to the Applicants and to the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on September 22, 2017 (64 DCR 9362) and on October 22, 2017 (64 DCR 10521).

Party Status. In accordance with Subtitle Y § 403.5, the Applicant, ANC 1D, and ANC 1C were automatically parties in this proceeding.[3] The Board received requests for party status in opposition to the application from Christiane Frischmuth, Geoffrey Dow and Christina Werth, Carl Balit and Emily Wei, and Cynthia Kay Stevens, who are all residents of the 1700 block of Hobart Street, as well as from Victor Tineo and Lauren Yamagata, whose property on Harvard Street abuts the subject property, and from Barbara Stauffer, Brian Maney, and Loic Pritchett on behalf of Concerned Residents of Harvard and Hobart Streets. At the public meeting on February 21, 2018 the Board granted the requests of Victor Tineo and Lauren Yamagata and of Geoffrey Dow and Cynthia Stevens. The other requests were deemed withdrawn because those individuals were not present at the hearing. (*See* Subtitle Y §§ 404.2, 404.10.) At the public hearing on April 17, 2018, the Board denied a renewed request for party status in opposition to the application from Christiane Frischmuth.

Applicants' Case. The Applicants provided evidence and testimony from Joel Heisey, an architect, and Steven Varga, an expert in planning, in support of their revised application to build a private garage structure at the subject property.

OP Report. By memorandum dated February 14, 2018, the Office of Planning recommended denial of the variances and special exceptions requested by the Applicants to allow the subdivision of the subject property, an alley tax lot, into a record lot and the construction of a two-car garage.[4] (Exhibit 61.) In a supplemental report dated March 19, 2018, OP also

[3] In the Zoning Regulations, the terms "affected Advisory Neighborhood Commission" and "affected ANC" refer to the ANC within which the property that is the subject of an application is located, except that if an area represented by another ANC is directly across the street from the subject property, the terms also refers to that ANC. (Subtitle Y § 101.8.) ANC 1C did not submit a written report or otherwise participate in this proceeding.

[4] The relief initially reviewed by the Office of Planning was: (i) an area variance from Subtitle C § 303.3(a) to allow the creation of an alley record lot that does not have frontage along a 24-foot-wide public alley (15-foot width existing), (ii) an area variance from Subtitle C § 303.3(b) to allow the creation of an alley record lot that does not meet the minimum lot area standards of the RF-1 zone (1,800 square feet required; 557 square feet proposed), (iii) an area variance from the alley centerline setback requirement under Subtitle E § 5106.1 (12 feet required at north, 7.5 feet proposed; 12 feet required at east, 4.75 feet proposed), (iv) a special exception under Subtitle U § 600.1(d)(3)(B) to allow a parking garage that exceeds 450 SF (460 SF proposed), (v) a special

recommended denial of most of the zoning relief requested for the Applicants' final proposal, a one-car garage with a building height of 12 feet. OP was not opposed to approval of a special exception from the rear yard requirement, as the proposed 2.5-foot rear yard "would not appear to result in an undue impact on the adjacent properties." (Exhibit 87.) The Office of Planning reiterated its recommendation in a second supplemental report. (Exhibit 103.)

DDOT. By memorandum dated November 22, 2017, the District Department of Transportation indicated no objection to approval of the initial application. (Exhibit 51.)

ANC Report. At a public meeting on October 24, 2017, with a quorum present, ANC 1D voted to adopt a resolution in opposition to the Applicants' initial proposal to build a two-story residence at the subject property. (Exhibit 45.) At a public meeting on February 20, 2018, ANC 1D adopted a resolution acknowledging the reduction in size of the Applicants' proposal, from a two-story dwelling to a garage 15 feet in height but reiterating the ANC's opposition to the application. (Exhibit 79.) At a third public meeting, on March 20, 2018, ANC 1D adopted a third resolution, again recommending denial of the application. (Exhibit 97.)

Person in support. The Board received a letter stating no objection to the application from a resident of the 1600 block of Harvard Street near the subject property.[5]

Persons in opposition. The Board received letters and heard testimony in opposition to Applicants' revised proposal to build a one-car garage on the subject property from the owners of nearby residences. The persons in opposition contended that the Applicants' proposal would adversely affect nearby properties especially with respect to the use of the alleys, the light, air and privacy available to existing residences, density, and neighborhood character. The objections raised by persons in opposition included that the garage structure, especially the solid wall along the edges of the abutting alleys, would block sightlines, thereby endangering pedestrians, and would hinder automobile traffic.

FINDINGS OF FACT

1. The property that is the subject of this application is a parcel known as 1665 Harvard Street, N.W. (Rear) (Square 2588, Lot 827) (the "Property"), located in the interior of a square in the Northwest quadrant bounded by Harvard Street to the south and Hobart Street to the north.

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exception under Subtitle E § 5204 from the side yard requirement of Subtitle E § 5105.1 (5 feet required; 1 foot proposed), and (vi) a special exception under Subtitle E § 5204 from the rear yard requirement of Subtitle E § 5104.1 (5 feet required; 2.5 feet proposed).

[5] The Applicants also submitted copies of emails sent to them by neighbors who responded favorably to the Applicants' request for support for plans to build a "Carriage house type structure" on the subject property. That proposal is not now before the Board.

2. A public alley (the "alley"), 15 feet wide, extends across Square 2588 and the abutting square to the east, Square 2591, in an east-west direction roughly parallel to Harvard and Hobart Streets.

3. Another public alley, a paved walkway 7.5 feet wide (the "walkway"), extends 87 feet northeast from Harvard Street to its intersection with the alley.

4. The Property is a trapezoidal parcel located at the southwestern corner of the intersection of the alley and the walkway. Its northern lot line abuts the larger east-west alley for 25.26 feet. The eastern lot line abuts the walkway for 24.25 feet. The southern and western lot lines of the Property abut the rear yard of an adjoining property, Lot 826, extending 19 feet and 24 feet respectively.

5. The lot area of the Property is 557 square feet.

6. Lot 826 is improved with a row dwelling, 1701 Harvard Street, which has been owned since 2017 by a party in opposition to the application, Victor Tineo and Lauren Yamagata. The Applicants own a neighboring row dwelling located at 1665 Harvard Street, N.W. (Square 2591, Lot 1028). The two row dwellings are separated by the walkway. The Property is located adjacent to the rear yard of the dwelling at 1701 Harvard Street, N.W., adjoining Lot 826 to the south and west. The Property is located directly west of the rear portion of Lot 1028, separated by the walkway.

7. The Applicants' parcel was designated as Assessment and Taxation Lot 827 on July 15, 1948. The parcel has been owned separately from the abutting property (Lot 826) since its creation as a tax lot. The Applicants acquired the Property in 2006.[6]

8. The Property is unimproved with any structure. The site is currently used as a parking pad for two vehicles and for the storage of trash containers.

9. A fence delineates the perimeter of the rear yard of Lot 826, including along the lot lines abutting the Property, and separates Lot 826 from the western edge of the walkway, which extends south along the eastern property line of Lot 826. A few poles have been installed on the eastern edge of the Property to denote the boundary between the Applicants' parcel and the walkway.

10. The eastern edge of the walkway is bordered by the dwelling on Lot 1028, a wooden fence, and plantings, some of which extend into the walkway.

[6] The Applicants previously applied for area variances from the lot occupancy requirements under § 403 and from the alley setback requirements under § 2300.4 of the then-applicable 1958 Zoning Regulations to allow a private garage on the Property, then zoned R-4. That application was denied. *See* Application No. 17833 (order issued May 4, 2009); reconsideration denied (17833-A; order issued October 30, 2009.)

11. As finally revised, the application sought zoning relief necessary to allow a one-story garage on the Property. The building would be approximately 12 feet wide and 21 feet deep, with a sloping roof 12 feet high at the entrance (from the abutting alley to the north) and 10 feet, three inches at the rear (facing Lot 826 to the south). The garage would be accessible via an overhead door on the northern façade. A smaller door would provide access on the eastern side. Windows would be provided on the eastern and western façades.

12. The garage was designed to provide space for a vehicle and for storage, including storage areas above a parked vehicle. A roll-up gate would be installed along the alley to the east of the garage, providing access to an area where another vehicle could be parked.

13. The garage structure would extend to the lot lines on the northern and western sides. A setback of two feet, six inches would be provided from the rear (south) lot line, while the setback from the eastern lot line, adjacent to the walkway, would range from 11 feet at the north to nine feet, eight inches to the south.

14. A fence, six feet in height, would be installed along the eastern property line, abutting the walkway.

15. At 266 square feet, the garage would occupy 48% of the Property. The remainder of the lot would be paved with permeable pavers, except for the area at the rear of the lot where landscaping could be planted to screen the view of the garage. (Exhibit 77.)

16. The dwelling on Lot 826 has a rear yard extending 17 feet, a portion of which is improved with a recessed patio situated approximately three feet, six inches below the surrounding grade. The southern façade (the back wall) of the proposed garage structure would be located a distance of 19 feet, six inches from the rear of the dwelling on Lot 826.

17. The siting of the proposed garage along the northern lot line would result in a setback from the centerline of the abutting alley of seven feet, six inches. On the east side, the garage would provide a setback from the centerline of the abutting alley (the walkway) in excess of 12 feet.

18. The Property is the only alley lot in either Square 2588 or Square 2591.

19. Nearby properties fronting on Harvard Street are improved with attached dwellings, many of which have parking pads at the rear of the lots. No structure on the Harvard Street side of the alley extends to the rear lot line without any setback from the alley. (Exhibits 68, 81; Dow, transcript of April 17, 2018 at 176, 178.)

20. Hobart Street is at a higher elevation than Harvard Street. Some of the attached dwellings that front on Hobart Street contain one-story attached garages accessible from

the alley, made possible by the change in grade. Some of the garages are topped by fences as high as six feet.

21. The Property and the surrounding area are zoned RF-1.

22. 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. (Subtitle E § 100.1.) The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 100.2.)

23. The provisions of the Residential Flat (RF) zones are intended to: (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (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.)

24. 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.)

CONCLUSIONS OF LAW AND OPINION

Variances. The Applicants seek area variances from the lot frontage requirements of Subtitle C § 303.3(a), the lot area requirements of Subtitle C § 303.3(b), and the alley centerline setback requirements of Subtitle E § 5106.1.[7] Notwithstanding their variance request, the Applicants

[7] Consistent with the self-certified application, the Board considered the Applicants' request for relief from the alley centerline setback requirements as an area variance. However, that relief is available as a special exception: the alley centerline setback requirement is stated in Subtitle E § 5106 as one of the development standards applicable to an alley lot, and the Board is authorized under Subtitle E § 5108 to approve an exception to those development standards as a special exception "subject to the provisions and limitations of Subtitle E § 5204." The latter provision authorizes the Board to approve, as a special exception, a reduction in the minimum yard requirements of an alley lot in an RF zone. However, even if the request had been considered under the more lenient special exception standard, the Board would have voted to deny relief from the alley centerline setback requirements for the same reasons discussed in this Order with respect to the special exceptions requested by the Applicant; that is, because the relief would not have been in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as required by Subtitle X § 901.2(a).

also argued that Subtitle C § 303.3 was inapplicable to this application on the ground that the Property met the zoning definition of an "alley lot" and therefore did not require subdivision to create a new record lot.[8] According to the Applicants, because the zoning definition of "alley lot" encompasses both alley record lots and historic alley tax lots, then only non-historic alley tax lots would be defined as "new" alley record lots required to satisfy Subtitle C § 303.3. The Applicants urged the Board to find that the Property "qualifies as a grandfathered, historic alley tax lot" on the grounds that (1) the Property satisfies the zoning definition of "alley lot," (2) parking garages were specifically permitted on historic alley tax lots under the 1958 Zoning Regulations, and (3) the Office of Planning testified before the Zoning Commission that "parking" was intended as a permitted use on alley lots in the proceeding that culminated in the 2016 Zoning Regulations.[9] (Exhibit 56.)

The Board does not agree and concludes instead that the requirements of Subtitle C § 303.3 are applicable to the Property. The 2016 Zoning Regulations define an "alley lot" as: "…either a lot that is recorded on the records of the Surveyor, District of Columbia, that faces or abuts an alley that does not face or abut a street at any point (alley record lot) or a lot that is recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot)." (Subtitle B § 100.2.) By that definition, an "alley tax lot" that was created as a tax lot before November 1, 1957 might appear the same, for zoning purposes, as an "alley record lot." The Applicants' property is not a lot recorded on the records of the Surveyor but was designated an Assessment and Taxation Lot before November 1, 1957 (on July 15, 1948).

However, other provisions of the 2016 Zoning Regulations also apply to this application and clearly do require creation of a lot of record for the construction of a new garage structure as proposed by the Applicants. These provisions include Subtitle A § 301.3 ("a building permit shall not be issued for the proposed erection [or] construction … of any principal structure … unless the land for the proposed erection [or] construction … has been divided so that each structure will be on a separate lot of record," subject to exceptions not applicable specifically to alley lots); Subtitle C § 302.2 (each new primary building in an RF zone must be erected on a separate lot of record, with certain exceptions not relating to alley lots); and Subtitle E § 5100 (alley lot regulations applicable in RF zones provide that all alley lots must be recorded in the

[8] The Applicants nonetheless recognized that the 2016 Zoning Regulations "require new record lots to comply with the lot size and alley width limitations" in urging the Board to grant variance relief from the subdivision requirements. (Exhibit 77.)

[9] The Applicants also argued that the reference in Subtitle C § 303.3(c) to alley tax lots created on or before May 12, 1958 meant that creation of a "new" record lot was not necessary in this case since the Applicants' property was created as a tax lot in 1948. However, Subtitle C § 303.3(c) applies when "existing abutting alley record lots or alley tax lots created on or before May 12, 1958 are combined into a larger alley record lot." The Applicants have not proposed combining their alley tax lot with any other property and thus Subtitle C § 303.3(c) is inapplicable in this case.

records of the Office of the Surveyor as a record lot, and new alley lots may be created as provided in Subtitle C, Chapter 3). The Board concludes that the Applicants' alley tax lot must be subdivided into a record lot before a building permit can be issued for the proposed garage, subject to the requirements of Subtitle C § 303.3 for the creation of a "new record alley lot."

Under Subtitle C § 303.3(a), a new alley record lot must have frontage along a public alley with a minimum alley width of 24 feet and have access to a street through an alley or alleys not less than 24 feet in width. The Property has frontage along, and access to streets through, two public alleys that are 15 feet and 7.5 feet wide.

Under Subtitle C § 303.3(b), a new alley record lot must meet the lot area standards applicable under the title of the respective zone. If no minimum lot area standard is provided – and none is provided in the RF-1 zone[10] – the alley lot must have a minimum of 1,800 square feet of lot area. The Applicants' property has a lot area of 557 square feet, giving rise to a request for a variance of 69% to allow the creation of a new alley record lot at the Property.

The Applicants also requested an area variance from Subtitle E § 5106.1, under which a setback of 12 feet must be provided from the centerline of all alleys to which an alley lot abuts. The Applicants' planned garage would be built to the northern lot line, which abuts an alley 15 feet wide, resulting in a proposed centerline setback of 7.5 feet and giving rise to a need for a variance of 4.5 feet (37.5%).

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.)

Extraordinary or exceptional situation. 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). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of*

[10] The development standards set forth in Subtitle E § 5101, applicable to alley lots in the RF zones, do not specify a minimum lot area.

Columbia Bd. of Zoning Adjustment, 579 A.2d 1164, 1168 (D.C. 1990).

The Applicants contended that the Property was characterized by an exceptional situation as a result of several factors: its small size, the smallest lot in either Square 2588 or Square 2591; the shape of the parcel, which affected the potential design of a structure; its location adjacent to two alleys, subject to setback requirements on both sides; its status as a tax lot created before the 1958 Zoning Regulations went into effect; and its "fragmented ownership" separate from abutting parcels, which the Applicants could not acquire to increase the size of their property or of the abutting alleys, or to combine the Property with their nearby street-facing property. The Applicants stated that no building was permissible on the Property without zoning relief and asserted that the parcel would "remain open and subject to public access" with "encroachment by the pedestrian alleyway." (Transcript of February 21, 2018 at 191; *see also* Exhibits 9, 56, 77.) The Office of Planning noted that the Property had some unusual characteristics, in particular its small size and its spatial relationship to other properties, located behind an adjacent residence under separate ownership.

The Board acknowledges that the Property is the only alley lot in its vicinity but does not find that the property faces an exceptional situation sufficient to justify a grant of variance relief. As an alley lot, the Property is not exceptional with respect to its size or shape, or its status as a tax lot. Nor is the "fragmented ownership" of an alley lot, separate from street-facing lots, an unusual occurrence. As noted by the Office of Planning, the Applicants' inability to enlarge the Property or to widen the abutting alleys, so as to meet the frontage and lot area requirements for creation of a new record lot, is not an unusual circumstance. For approval of a variance, the "extraordinary condition must affect a single property," and the Applicants' property, while different from neighboring properties, is not unusual relative to other alley lots.

Practical difficulties. 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 inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976).

The Applicants assert that strict application of the Zoning Regulations would result in a practical difficulty because, without variance relief, no "reasonable structure," including even "a small shed," would be permitted on the Property, thereby diminishing its value. (Exhibit 77.) The Office of Planning concluded that no practical difficulty existed, because the current use as

surface parking could continue. The Applicant responded that OP's position was inappropriate as it applied the stricter use variance standard to the request for area variances.

The Board concludes that the Applicants did not demonstrate practical difficulties arising from the strict application of the Zoning Regulations to the Property sufficient to warrant the significant degree of variance relief required to allow the proposed garage. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990) (when considering an application for variances, 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 variances requested, and the effect those variances would have on the overall zone plan).

The Zoning Regulations specify the minimum lot area required for the creation of a new record alley lot, and the Applicants' property is substantially smaller than the required minimum. Both alleys abutting the Property are significantly narrower than the minimum width specified in the Zoning Regulations, both for lot frontage and for the purpose of providing access to the nearest street. Especially in light of the degree of variance relief necessitated by the application, the Board does not find that compliance with the area restrictions would be unnecessarily burdensome because the existing parking use can continue at the Property.

The Board does not agree with the Applicant that OP's recommendation with respect to practical difficulty is inapposite. The relevant issue is not the use of the property, but rather the proposed construction of a garage structure. The use of the property is not at issue in this application because the parking use does not depend on the existence of a garage. The Applicants have not demonstrated that the absence of a garage would be unnecessarily burdensome to a degree that would warrant the significant variance relief requested, or that continuing to use the Property for parking – an alternative available without variance relief – would be unduly inconvenient to the Applicants.

No substantial detriment or impairment. The Applicants asserted that approval of the requested variances would not cause substantial detriment to the public good or substantial impairment of the intent, purpose, and integrity of the zone plan. The ANC and the parties in opposition disagreed, citing factors such as the anomaly of a structure in the alley, where currently none exist; the proximity of the planned garage to residences on the adjoining and other nearby properties; potential adverse impacts on vehicular and pedestrian traffic in the alleys, such as decreased visibility due to impaired sight lines; and accumulations of snow and ice in the alley since the structure would block sunlight.

The Board was not persuaded that the proposed garage structure would cause substantial detriment to the public good but concludes that approval of the requested variances would cause substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Because the Applicants' property is a tax lot, a subdivision is required to convert the Property into a record lot before a building permit can be issued. The Zoning Regulations state the requirements for that subdivision; specifically, lot frontage along an alley of a specified minimum width, access to a street through an alley of the specified minimum

width, and a minimum lot area. The Applicants' property is significantly deficient in each of those areas. The Applicants also requested relief from the alley centerline setback requirement, because the proposed garage would not comply with the minimum requirement along the northern property line. Especially in light of the magnitude of the requested relief, approval of the requested variances from the applicable requirements, absent a demonstration of an exceptional situation or practical difficulty, would not be consistent with the intent, purpose, and integrity of the zone plan. In reaching this conclusion, the Board notes especially that the purposes of the RF zones include to establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones. (*See* Subtitle E § 100.3(d).) The Board also notes the testimony of the Office of Planning that "granting relief to allow the creation of a substandard record lot would be contrary to the intent of the zoning regulations which are intended to ensure the regulation of lot sizes and promote orderly development of the city. In the recently adopted zoning regulations, the intent was to allow future development of existing alley record lots even if they were substandard, but to limit the creation of new nonconforming record lots." (Exhibit 61.)

Special exceptions. As finally amended, the application seeks special exceptions under Subtitle E §§ 5108.1 and 5204 from the requirements for rear and side yards. Pursuant to Subtitle E § 5104.1, a required rear yard must be provided with a minimum depth of five feet from any lot line of all abutting non-alley lots. The Applicants' proposal would provide a rear yard of two feet, six inches. Pursuant to Subtitle E § 5105.1, a required side yard must be provided with a minimum depth of five feet from any lot line of all abutting non-alley lots. The Applicants' proposal would not provide a side yard on the western side of the lot.

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.)

The Applicants contended that approval of the requested special exceptions would not adversely affect the use of neighboring property given the relatively small size of the proposed garage structure. Again, ANC 1D and the parties in opposition disagreed, citing especially the proximity of the planned garage to nearby residences and potential adverse impacts on vehicular and pedestrian traffic in the alleys.

The Board did not find the claims of adverse impact raised by the ANC and the parties in opposition compelling. The opponents objected generally to the construction of a structure on the Applicants' alley lot but did not demonstrate specifically how the provision of a rear yard of two feet, six inches, instead of the minimum requirement of five feet, or the absence of a side yard where a minimum of five feet is required, would tend to cause adverse impacts on the use of neighboring properties. The Office of Planning testified that the Applicants' proposal, as finally revised, "would not appear to result in an undue impact on the adjacent properties." (Exhibit 87.)

However, the Board concludes that approval of the requested special exceptions would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as required for approval by Subtitle X § 901.2. As previously discussed, the Zoning Regulations prohibit construction of the garage structure proposed by the Applicants unless the alley tax lot is first subdivided to create a record lot, and the Property does not meet the requirements for that subdivision. Approval of special exception relief to decrease yard setbacks, so as to facilitate the construction of a structure on an alley tax lot that would otherwise be significantly inconsistent with zoning requirements, would not be in harmony with the general purpose and intent of the Zoning Regulations.

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.).) For the reasons discussed above, the Board concurs with OP's recommendation that the application should be denied.

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 1D adopted three resolutions recommending denial of the zoning relief requested. With respect to the Applicants' original proposal, ANC 1D asserted that approval of the requested zoning relief would "cause significant degradation of the use of the neighboring property." The ANC expressed concerns about the proposed construction, including the location of the alley lot at the end of a lot owned not by the Applicants but by a neighbor "with no interest in this alley apartment" such that the proposed dwelling "will be so close to their rear wall, and … will tower over their back yard." (Exhibit 45.)

In their second resolution, ANC 1D advised the Board to deny the special exceptions and variances requested in the Applicants' initial revision, again stressing "the location of this tiny lot … directly behind the dwelling at 1701 Harvard Street, which is home to a different owner than the owner of the alley lot in question." According to the ANC, the reduction in size of the Applicants' proposal – a garage 15 feet tall and 19' from the rear wall of the neighboring dwelling – was "not sufficient to overcome the clear fact that this construction would 'box in' the backyard of 1701 Harvard and would obstruct all view from the topfloor windows of that home." The ANC also contended that the garage "would obstruct pedestrian sightlines" between the walkway and the alley where currently "the lack of any structure in this lot allows pedestrians a clear view of oncoming alley traffic from the west." (Exhibit 79.)

In its third resolution, ANC 1D reiterated its concerns about construction of a garage on an alley lot located directly behind a residence under different ownership and asserted that the Applicants had not met their burden of proof for the requested zoning relief. According to ANC 1D, the Applicants had not shown (i) that the proposed garage would not cause substantial detriment to the public good, considering its height and proximity to nearby residences, by blocking light and air flow to those residences and by obstructing pedestrian sightlines between the alley and the walkway (ii) that the garage "would be consistent with the Zoning Regulation intent of

controlling building bulk," considering that the RF-1 zone was intended "to avoid proximate obstructions and prevent disorderly development," both of which would result from approval of this application, or (iii) that failing to grant relief would result in a practical difficulty, given that "even a small by-right garage could house a normal-size car." (Exhibit 97.)

The Board has accorded the issues and concerns raised by ANC 1D the "great weight" to which they are entitled, but was not persuaded that the Applicants' proposal should be denied for the reasons stated by ANC 1D. The Board acknowledges the arguments raised by the ANC and the parties in opposition, especially with respect to the proximity of a structure on the Property to nearby residences and the potential impacts on sightlines in the abutting alleys. The Board did not find those arguments persuasive under the circumstances of this case, which depended especially on the status of the Property as a tax lot rather than a record lot. ANC 1D itself recognized that "if this lot were part of the lot at 1701 Harvard Street, it is unlikely that building a garage would require any zoning relief at all." However, the Board agrees with ANC 1D that the application should be denied, for the reasons discussed in this Order.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for variances and special exceptions needed to allow a garage structure on an alley lot in the RF-1 zone at 1665 Harvard Street, N.W. (Rear). (Square 2588, Lot 827). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE (May 27, 2020): 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May voting to DENY; 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: June 1, 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.

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

HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19683 of Brian and Carolyn Wise, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle U § 601.1(c) to allow a residential use on an alley lot not meeting the matter-of-right requirements of Subtitle U § 600.1(e) and under Subtitle E § 5204 from the rear yard requirements of Subtitle E § 5104, and pursuant to Subtitle X, Chapter 10, for area variances from the lot area requirements of Subtitle E § 201.1, the alley centerline setback requirements of Subtitle E § 5106, and the lot frontage and lot area requirements of Subtitle C § 303.3(a) and (b) to construct a two-story one-family dwelling on an existing alley lot in the RF-3 Zone at premises 260 Lincoln Court, S.E. (Square 762, Lot 828).[1]

HEARING DATES: February 21 and April 10, 2018
DECISION DATES: May 9, 2018 and May 27, 2020[2]

DECISION AND ORDER

This self-certified application was submitted on November 22, 2017 on behalf of Brian and Carolyn Wise, the owners of the property that is the subject of the application (the "Applicants"). After a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated December 21, 2017, the Office of Zoning provided notice of the application and of the public hearing to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 6; the chairman and the four at-large members of the D.C. Council; Advisory Neighborhood Commission ("ANC") 6B, the ANC in which the subject property is located;

[1] The caption has been revised to reflect the relief ultimately requested by the Applicants. The application originally sought special exceptions under Subtitle E § 5204 from the rear yard requirements of Subtitle E § 5104 and from the alley centerline setback requirements of Subtitle E § 5106, and, pursuant to Subtitle X, Chapter 10, requested area variances from the lot area requirements of Subtitle E § 201.1 and from the lot frontage and lot area requirements of Subtitle C § 303.3(a)-(b) to construct a two-story principal dwelling on an existing alley lot in the RF-3 zone at premises 213 3rd Street, S.E. (Square 762, Lot 828) (*see* Exhibit 6.) The application was subsequently amended to correct the address of the subject property and to amend the relief requested by seeking a variance from the requirements for a setback from the alley center line, rather than a special exception, and adding a request for a special exception under Subtitle U § 601.1(c) to allow a dwelling on an alley lot not meeting the matter-of-right requirements of Subtitle U § 600.1(e). (*See* Exhibits 13, 48.)

[2] On May 27, 2020, the Board voted to rescind its initial vote to deny the application from May 9, 2018 in order to clarify the relief at issue and to again vote to deny the application.

Single Member District/ANC 6B01; and the Architect of the Capitol. Pursuant to 11 DCMR Subtitle Y § 402.1, on December 21, 2017, the Office of Zoning also mailed letters providing notice of the hearing to the Applicants and to the owners of all property within 200 feet of the subject property.[3] Notice was published in the *D.C. Register* on December 22, 2017. (64 DCR 12938.)

Party Status. In accordance with Subtitle Y § 403.5, the Applicants and ANC 6B were automatically parties in this proceeding. Untimely requests for party status in opposition to the application were filed by owners of residences near the subject property: Thomas Coleman and Lauren Friedman (submitted March 6, 2018), Quynh Vu Bain, and Clayton Chilcoat (both submitted on March 8, 2018). The Board denied the request of Thomas Coleman and Lauren Friedman at the public hearing on April 17, 2018. The requests of Quynh Vu Bain and Clayton Chilcoat were deemed withdrawn because they were not present at the public hearing when their requests were considered. (*See* Subtitle Y § 404.10.)

Applicants' Case. The Applicants provided evidence and testimony from Mateusz Dzierzanowski, the project architect, and from Steven Varga, an expert in planning, in support of their application to build a principal dwelling at the subject property.

OP Report. In its initial report, dated February 9, 2018, the Office of Planning recommended denial of the variances requested from requirements for creation of a new alley record lot at the subject property: public alley width at the lot (Subtitle C § 303.3(a)), public or private alley access to a street (Subtitle C § 303.3(a)), and lot area (Subtitle C § 303.3(b) and Subtitle E § 201). OP had no objection to approval of the requested special exception relief from rear yard requirements. OP also had no objection to relief from requirements for alley centerline setback, but considered the necessary relief an area variance rather than the special exception originally requested by the Applicants. (Exhibit 45.) In supplemental reports, the Office of Planning provided additional information requested by the Board on issues pertaining to the use and development of alley lots. (Exhibits 64 and 74.)

DDOT. By memorandum dated January 23, 2018, the District Department of Transportation indicated no objection to approval of the zoning relief requested to allow construction of a two-story dwelling providing one parking space at the subject property. (Exhibit 38.)

ANC Report. At a public meeting on February 13, 2018, with a quorum present, ANC 6B voted to adopt a resolution in support of the application for relief from Subtitle C § 303.3(a)-(b), concerning requirements for alley width and lot area; Subtitle E § 5106, concerning the alley centerline setback requirement; Subtitle E § 5104, rear yard requirements; and Subtitle U § 601.1, requirements for new dwellings on alley lots. The ANC did not state any issues or concerns about the requested zoning relief but urged the Applicants to engage in "ongoing

[3] The public hearing was originally scheduled for February 7, 2018 and was rescheduled to February 21, 2018 at the request of ANC 6B. (*See* Exhibits 37, 41.)

communications with neighbors, including throughout the construction process and including a construction management agreement." (Exhibit 52.)

Architect of the Capitol. By memorandum dated February 20, 2018, the Architect of the Capitol stated no objection to approval of the application for special exception relief from rear yard requirements. The memorandum stated that the requested relief would not adversely affect the health, safety, and general welfare of the U.S. Capitol precinct and adjacent area and would not be inconsistent with the goals and mandates of the U.S. Congress as stated in Subtitle E § 5202.1.[4] (Exhibit 51.)

Persons in support. The Board received letters in support of the application from the owners of two properties close to the Applicants' lot. The letters stated that the Applicants' project would "positively contribute to the neighborhood." (Exhibits 46 and 48 [second].) The Board also received letters in support of the application from the Capitol Hill Restoration Society and the Coalition for Smarter Growth.

Persons in opposition. The Board received a letter and heard testimony in opposition to the application from the owners of two other properties near the subject property. The persons in opposition contended that the Applicants' proposal would adversely affect nearby properties especially with respect to light and air, including impacts on planned solar panels and special trees, and would create objectionable conditions associated with vermin; trash storage and collection; vehicular traffic in the alley, including access for emergency vehicles; noise; and pedestrian access to an easement abutting the subject property.

FINDINGS OF FACT

1. The property that is the subject of this application is a parcel known as 260 Lincoln Court, S.E. (Square 762, Lot 828), an alley lot in a square in the Southeast quadrant bounded by Pennsylvania Avenue to the north, Third Street to the east, C Street to the south, and Second Street to the west.

2. The subject property is approximately square, with a lot area of 1,120 square feet. The eastern and western property lines extend 34 feet, while the northern and southern property lines extend 32 feet, 9 inches.

[4] Pursuant to Subtitle E § 5202.1, any application for a special exception for property located in the RF-3 zone is subject to consideration by the Board as to whether the proposed development is: (a) compatible with the present and proposed development of the neighborhood; (b) consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and (c) in accordance with the plan promulgated under the Act.

3. The subject property is bounded on the south and west by a public alley that has been designated Lincoln Court. The public alley is 20 feet wide in the vicinity of the subject property. To the east of the subject property, Lincoln Court extends 93 feet east to Third Street; that segment of the alley is 14 feet wide. The western portion of Lincoln Court, 20 feet wide, extends into the interior of the square to the northwest, without providing access to a street. The western portion also extends in an inverse U-shape to the southern portion of the square, bordering an alley lot (Lot 804, directly west of the subject property) on three sides and connecting with a private alley, also 20 feet wide, that extends north from C Street.

4. The subject property abuts Lot 27 on its northern lot line. An existing two-story structure occupies the rear portion of Lot 27, without a side or rear yard setback near the subject property. The structure has a garage door and windows on the second floor, facing west, but does not have windows on its southern façade, facing the subject property. A wooden fence extends to the east of the accessory structure along the southern property line of Lot 27, which is shared with the subject property on the west and an abutting parcel, Lot 826, on the east.

5. The subject property abuts Lot 826 to the east and is separated from two other lots to the east (Lots 827 and 59, located directly south of Lot 826) by a walkway, three feet wide, that extends south from Lot 826 to the southern portion of the alley.

6. Lot 59 (formerly known as Lot 824) contains an attached dwelling fronting on Third Street (215 Third Street, S.E.) and a one-story accessory structure that was built to the lot lines in the rear yard. The accessory structure has a sloping roof between 10 and 14 feet in height. Its southern façade contains a garage door providing access from the abutting alley; its western façade has no windows facing the subject property. The accessory structure is separated from the subject property by the walkway extending from Lot 826. The walkway is subject to an easement allowing its use by the owners of Lot 59.

7. The Applicants' property, part of Lot 15 (a record lot), was designated Assessment and Taxation Lot 828 on February 23, 1905.[5]

8. The subject property is undeveloped but is paved and has been used for vehicular parking for as many as eight vehicles at least since 1958.[6] The parking area is accessible from the southern portion of the alley. Vehicular access across the lot is prevented by pylons linked by a metal chain installed along the western lot line.

[5] The subject property (Lot 828) and the three neighboring lots fronting on Third Street to the east (Lot 824, which is now Lot 59, as well as Lots 826 and 827) were all created as Assessment and Taxation Lots on February 23, 1905.

[6] *See* Orders in BZA Appeal No. 8286 (Howison, 1965), Appeal No. 10450 (Howison, 1970), Application No. 11969 (American Federal Savings and Loan Association, November 13, 1975), Application No. 12417 (American Federal Saving and Loan Association, July 25, 1977), and Application No. 13523 (American Federal, October 15, 1981).

9. The Applicants acquired the subject property in March 2015.[7]

10. The Applicants proposed to build a two-story principal dwelling on the subject property, with one parking space provided in a garage on the ground level. The dwelling would have a lot occupancy of 87.3%.

11. The Applicants testified that the height and massing of the proposed dwelling were designed to maintain the continuity of facades along the alley, consistent with architectural and historic preservation principles. The proposed dwelling would be built to the property lines on the southern, western, and northern edges; a side yard, five feet wide, would be provided on the eastern side. The side yard would be bordered by a wooden fence installed on the eastern lot line, with a gate providing access from the alley. The entrance to the dwelling would also be from the south, with a garage entrance provided on the western façade.

12. The proposed dwelling would have windows on its western and southern façades, facing the public alley. No windows would be installed on the northern façade, facing the two-story accessory building on the abutting lot, or on the eastern façade, facing the rear yards of the dwellings fronting on Third Street.

13. The subject property, like the majority of Square 762, is located in the Capitol Precinct Residential Flat (RF-3) zone.

14. The RF zones are designed to be mapped in areas identified as low-, moderate-, or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 100.2.) The provisions of the RF zones are intended to: (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (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.)

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

[7] The Applicants previously requested zoning relief from requirements for parking, rear and side yard, lot frontage, lot area, lot width, alley centerline setback, and use to allow a two-story flat at the subject property. That application was withdrawn by letter dated September 19, 2017. (*See* Application No. 19536.)

promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288) and in accordance with the plan submitted to the Congress pursuant to the Act; (b) reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol; (c) provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction, having a well-recognized general public interest; and (d) restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction. (Subtitle E § 500.2.)

16. Alley lots to the west of the subject property are developed with garages. One other residence is located in the alley near the subject property.

17. Properties to the east of the subject property, facing Third Street, contain attached buildings used as principal dwellings. Other residential buildings, including several multi-family buildings, are located along Second and Third Streets. A multi-story hotel is located across the public alley to the south of the subject property, facing C Street.

18. The surrounding neighborhood character features a mix of residential, commercial, and institutional uses. Properties in the northern portion of Square 762, especially parcels fronting on Pennsylvania Avenue, are located in the Capitol Interest Mixed-Use zones (MU-24 and MU-26) in an area characterized by a variety of commercial uses in attached buildings.

CONCLUSIONS OF LAW AND OPINION

Variances. The Applicants seek area variances from the lot frontage requirements of Subtitle C § 303.3(a), the lot area requirements of Subtitle E § 201.1 and Subtitle C § 303.3(b), and the alley centerline setback requirements of Subtitle E § 5106.1.[8] The Board concludes that a

[8] Consistent with the self-certified application, the Board considered the Applicants' request for relief from the alley centerline setback requirements as an area variance. However, that relief is available as a special exception: the alley centerline setback requirement is stated in Subtitle E § 5106 as one of the development standards applicable to an alley lot, and the Board is authorized under Subtitle E § 5108 to approve an exception to those development standards as a special exception "subject to the provisions and limitations of Subtitle E § 5204." The latter provision authorizes the Board to approve, as a special exception, a reduction in the minimum yard requirements of an alley lot in an RF zone. Under the Zoning Regulations, the alley centerline setback requirement is considered an aspect of the rear yard requirement (*see, e.g.* Subtitle E § 5004.1, "No minimum rear yard is required for an accessory building in an RF zone except when abutting an alley, where it shall be set back at least twelve feet (12 ft.) from the center line of the alley." and Subtitle E § 5004.3, "If the required rear yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.") However, even if the request had been considered under the more lenient special exception standard, the Board would have voted to deny relief from the alley centerline setback requirements for the

variance from Subtitle E § 201.1 is not necessary because that provision does not apply to this application, which concerns an alley lot. Development standards for alley lots in the RF zone are set forth in Subtitle E, Chapter 51. Because the subject property is not a record lot, and therefore requires subdivision to create a record lot, the minimum lot area required in this case is governed by Subtitle C § 303.3(b). Accordingly, the Board dismisses the request for a variance from the lot area requirements of Subtitle E § 201.1 as inapplicable to this application.

Notwithstanding their variance request, the Applicants also argued that Subtitle C § 303.3 is inapplicable to this application on the ground that the subject property meets the zoning definition of an "alley lot" and therefore does not require subdivision to create a new record lot. (*See* Exhibit 48.) The Board has previously considered and rejected this argument and finds no reason here to depart from the prior holding that the requirements of Subtitle C § 303.3 are applicable to alley lots designated Assessment and Taxation lots on or before November 1, 1957. (*See* BZA Application No. 19629 of Timothy and Charlotte Lawrence (order issued June 1, 2020).)

Under Subtitle C § 303.3(a), a new alley record lot must have frontage along a public alley with a minimum alley width of 24 feet and have access to a street through an alley or alleys not less than 24 feet in width. The subject property has frontage along and access to a street through a public alley that ranges from 14 to 20 feet wide.

Under Subtitle C § 303.3(b), a new alley record lot must meet the lot area standards applicable in its zone. If no minimum lot area standard is provided – and none is provide in the RF-3 zone[9] – the alley lot must have a minimum of 1,800 square feet of lot area. The Applicants' property has a lot area of 1,120 square feet, giving rise to a request for a variance of 38% to allow the creation of a new alley record lot at the subject property.

In accordance with Subtitle E § 5106.1, a setback of 12 feet must be provided from the centerline of all alleys to which an alley lot abuts. The Applicants' planned dwelling would be built to the southern and western lot lines, which abut an alley 20 feet wide, resulting in proposed centerline setbacks of 10 feet and giving rise to a need for variances of two feet (17%) on both the southern and western sides of the subject property.

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

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same reasons discussed in this Order with respect to the special exceptions requested by the Applicants; that is, because the relief would not have been in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as required by Subtitle X § 901.2(a).

[9] The development standards set forth in Subtitle E § 5101, applicable to alley lots in the RF zones, do not specify a minimum lot area.

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* Subtitle X § 1000.1.)

Extraordinary or exceptional situation. 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). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Applicants contended that the subject property is characterized by an exceptional situation and condition as a result of a confluence of six factors: (1) its status as a historic alley tax lot for more than 100 years, and in separate ownership from the abutting street-facing lots since 1971, (2) its status as the only unimproved alley lot in its square, (3) its status as an existing lot that cannot be expanded in size or consolidated with another lot to create street frontage, (4) its zoning history, including use of the property as a commercial parking lot, with the most recent approval of that use expiring in 1986, (5) its location in a split-zoned square, reducing the number of residentially zoned properties used for residential purposes, thereby diminishing the potential use of the subject property as parking for nearby residents, and (6) the location of the subject property in the Capitol Hill historic district, which "severely restricts the proposed design and footprint" of the proposed dwelling. The Office of Planning disputed the Applicant's claim that the subject property faced an exceptional situation in that "there is no opportunity for the lot to increase in area, and no way to widen the alley." According to OP, "[t]hese situations … are not unique or exceptional; many alley lots throughout the city are in the same circumstance."

The Board does not find that the confluence of factors cited by the Applicants creates an exceptional situation at the subject property sufficient to justify the grant of the requested variance relief. As an alley lot, the subject property is not exceptional with respect to its size or shape, or its status as a tax lot. Nor is the separate ownership of an alley lot, different from abutting street-facing lots, an unusual occurrence. The Applicants' inability to enlarge the subject property or to widen the abutting alley, so as to meet the frontage and lot area requirements for creation of a new record lot, are not unusual circumstances. For approval of a variance, the "extraordinary condition must affect a single property," and the Applicants' property, while different from nearby properties, is not unusual relative to other alley lots. Nor does the property's location in a historic district warrant variance relief. *See Capitol Hill Restoration Society* at 942 (property's location in a historic district imposed certain limitations

on the manner in which the owner could modify structures on the lot but is not a condition that uniquely affects that lot); *Palmer v. District of Columbia Bd. of Zoning Adjustment,* 287 A.2d 535, 539 (to support a variance it is fundamental that the difficulties … be due to unique circumstances peculiar to the applicant's property and not to general conditions in the neighborhood).

Practical difficulties. 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 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).

With respect to practical difficulties resulting from the strict application of the Zoning Regulations, the Applicants argued that they could not feasibly use the property absent variance relief because the site could not "be improved or adequately utilized" without a subdivision to create a record lot. The Applicants contended that the uses permitted at the subject property as a matter of right[10] require a structure or are impractical at that location, and the subject property's "zoning history illustrates the practical difficulty in limiting the use to parking." With respect to the alley centerline setbacks, the Applicants claimed that practical difficulty would result from the requirement of 12-foot setbacks in a location where the façades of the proposed dwelling should be aligned with the two abutting alley structures, both of which are built to their lot lines, consistent with historic preservation principles, and where the small size of the lot, coupled with 12-foot setbacks, would limit the gross floor area of the planned dwelling and hinder compliance with applicable requirements of the Construction Code.

The Board concludes that the Applicants did not demonstrate practical difficulties arising from the strict application of the Zoning Regulations to the subject property sufficient to warrant the significant degree of variance relief required to allow the subdivision of the property to achieve a record lot. *See Gilmartin* at 1171 (when considering an application for variances, 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 variances requested, and the effect those variances would have on

[10] Pursuant to Subtitle U § 600.1, the following uses are permitted as a matter of right on an alley lot in the RF zones: (a) agriculture, both residential and large, (b) artist studio, subject to certain conditions, (c) camping by the owner, subject to certain conditions, (d) community solar facility, subject to certain conditions, (e) parking spaces for use by residents of the square, not more than two car-sharing spaces, or a parking garage, not exceeding 450 square feet, for two vehicles, and (f) a residential dwelling, subject to specified limitations.

the overall zone plan).

The Zoning Regulations specify the minimum lot area required for the creation of a new record alley lot, and the Applicants' property is significantly smaller than the required minimum. The public alley abutting the subject property on two sides does not meet the minimum width specified in the Zoning Regulations either for lot frontage or for the purpose of providing access to the nearest street. Access to the nearest public street would be by means of an alley little more than half the required minimum width. The lot area of the subject property is less than two-thirds of the required minimum size. Especially in light of the degree of variance relief necessitated by the application, the Board does not find that compliance with the area restrictions would be unnecessarily burdensome.

The Office of Planning concluded that "the application does not demonstrate how adherence to the [Zoning] Regulations would be a practical difficulty to the applicant. The current use as surface parking could continue." (Exhibit 45.) The Applicants objected to OP's emphasis on use, arguing that use was not at issue because a principal dwelling is allowed as a matter of right in the RF-3 zone and that the application requests only area variance relief, and not a use variance, so that other potential uses of the property were not relevant or at issue. In fact residential use is permitted on an alley lot as a matter of right only where the alley lot is a record lot and can meet other specified requirements. The subject property is not a record lot and cannot satisfy those requirements, as the Applicants recognized by seeking special exception relief in addition to area variances to allow the planned dwelling. Moreover, the Applicants also emphasized use, contending that "a residential dwelling is the only reasonable use for the property" while describing other uses permitted at that location as a matter of right as also requiring a structure, and therefore impossible without variance relief, or impractical.

The Board does not agree with the Applicants that OP's recommendation with respect to practical difficulty is inapposite. The relevant issue is not the use of the property, but rather the proposed subdivision of the tax lot to a record lot so as to permit the construction of a structure. The Applicants have not demonstrated that the absence of a structure would be unnecessarily burdensome to a degree that would warrant the significant variance relief requested, or that continuing to use the subject property for parking, or other alternative uses available without variance relief, would be unduly inconvenient to the Applicants.

The Board was not persuaded by the Applicants' contention that use as a parking lot would be unreasonable in light of limits restricting use of the spaces to residents of the square,[11] or by their unsubstantiated claims that the surrounding residential uses would not generate sufficient demand for parking and that a commercial parking lot use would be more disruptive and cause greater impacts than the planned residential use, notwithstanding the prior use of the property as a commercial parking lot. Nor was the Board persuaded by the Applicants that practical

[11] The permitted parking use also allows up to two car-sharing spaces in addition to parking for use by residents of the square. (*See* Subtitle U § 600.1(e).)

difficulties would arise even with parking use of the lot because the Department of Consumer and Regulatory Affairs would refuse to issue the permits necessary to pave the subject property due to its lack of record lot status. The Office of Planning, after discussion with the Zoning Administrator, reported that a building permit would be necessary for paving and other improvements undertaken to support use as a parking lot, but the issuance of a building permit for a parking lot would not require conversion of a tax lot to a record lot absent the construction of a principal structure. Similarly, the issuance of a certificate of occupancy, needed to obtain a business license for a parking lot, also would not require conversion of a tax lot to a record lot. (*See* Exhibit 74.)

No substantial detriment or impairment. The Applicants asserted that approval of the requested variances would not cause substantial detriment to the public good. The Office of Planning testified that approval of the requested variances would likely not have a substantially detrimental impact on the public good but noted that the Department of Fire and Emergency Services had not commented on this application. The persons in opposition disagreed, asserting that the planned construction would limit the light and air available to neighboring properties.[12]

The Applicants also asserted that approval of the requested variances would not cause a substantial impairment of the intent, purpose, and integrity of the zone plan. The Office of Planning disagreed, stating that "granting relief to allow the creation of a substandard record lot would be contrary to the intent of the zoning regulations which are intended to ensure the regulation of lot sizes and promote the orderly development of the city." According to OP, the intent of the Zoning Regulations is "to allow future development of **existing** alley record lots even if they were substandard, but to limit the creation of new non-conforming record lots" and therefore "the regulations require that any new record lot (including new alley lots) meet the requirements for lot size, among other standards" such as alley access width. (Exhibit 45; emphasis in original.)

The Board was not persuaded that the proposed dwelling would cause substantial detriment to the public good but concurs with OP in concluding that approval of the requested variances would cause substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Because the Applicants' property is a tax lot, a subdivision is required to convert the subject property into a record lot before a building permit can be issued for a principal structure. The Zoning Regulations state the requirements for that subdivision; specifically, lot frontage along an alley of a specified minimum width, access to a street through an alley of the specified minimum width, and a minimum lot area. The Applicants' property is deficient in each of those areas. The Applicants also requested relief from the alley centerline setback requirement, because the proposed dwelling would not comply with the minimum requirement along the southern and western lot lines. Especially in light of the magnitude of the requested relief, approval of the requested variances from the applicable requirements, absent a demonstration of an exceptional situation or practical difficulty, would

[12] The persons in opposition also complained about the Applicants' failure to propose a construction management plan and other matters unrelated to zoning, and therefore outside the Board's purview in this proceeding.

not be consistent with the intent, purpose, and integrity of the zone plan. In reaching this conclusion, the Board notes especially that the purposes of the RF zones include to establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones. (*See* Subtitle E § 100.3(d).)

Special exceptions. As finally amended, the application seeks special exceptions under Subtitle U § 601.1(c) to allow a residential use on an alley lot not meeting the matter-of-right requirements of Subtitle U § 600.1(e) and under Subtitle E § 5204 from the rear yard requirements of Subtitle E § 5104. Pursuant to Subtitle E § 5104.1, a required rear yard must be provided with a minimum depth of five feet from any lot line of all abutting non-alley lots. The Applicants' proposal would not provide a rear yard from the northern lot line, abutting a non-alley lot. Pursuant to Subtitle U § 600.1(e), a dwelling unit is permitted as a matter of right on an alley lot in an RF zone subject to certain limitations, including that the alley lot must have access to an improved public street through an improved alley: (a) at least 24 feet in width, or (b) not less than 15 feet in width and within 300 linear feet of an improved public street.[13] (Subtitle U § 600.1(e)(3).) In this case, the Applicants' alley lot is located within 300 feet of an improved public street but would have access to that street through an improved alley that does not meet the 15-foot minimum width requirement for the entire distance. In accordance with Subtitle U § 601.1(c), residential uses not meeting the matter-of-right requirements may be permitted by special exception subject to certain requirements, including that the alley lot in question must connect to an improved public street through an improved alley or system of alleys that provides adequate public safety and infrastructure availability.[14]

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.)

The Applicants contended that approval of the requested special exceptions would not adversely affect the use of neighboring property. The Office of Planning agreed that the absence of a rear yard met the requirements for approval, and commented favorably on the building design and

[13] The other requirements are that the alley lot must be wholly within an RF zone or other specified zone; a dwelling may not be constructed, or a building may not be converted to a dwelling, unless the alley lot has at least 450 square feet of lot area; the dwelling must meet all building code requirements for a permanent residential structure; and access from a proposed dwelling on an alley lot must be sufficient to provide the intended public safety, hygiene or other building code requirement, as determined by the Zoning Administrator or other authorized building official.

[14] The other requirements include that the residential use must be limited to one dwelling unit on an alley lot, that alley lot must not be wholly or partially located within the R-1-A, R-1-B, or R-2 zones, and a building may not be constructed or converted for use as a dwelling unless the lot area is at least 450 square feet.

proposed massing.[15] OP also concluded that approval of the requested rear yard relief would likely "not add significantly to shadow or air impacts beyond what a matter of right development would produce." The persons in opposition disagreed, asserting that the planned construction would adversely affect the light and air available to neighboring properties.

The Board did not find the claims of adverse impacts on the use of neighboring properties raised by the persons in opposition to rear yard relief compelling, especially in light of the density of development permitted in the RF-3 zone and the scale of development already existing in the vicinity of the subject property. As the Applicants noted, the provision of a rear yard would result in "the creation of an undesirable…space," a gap five feet wide between the proposed dwelling and the existing accessory structure to the north, "instead of providing a continuous connection to the façade of the adjacent building" consistent with historic preservation principles.

The Board finds the record inadequate to support a conclusion that relief from the alley width requirement of Subtitle U § 600.1(e) would not adversely affect the use of neighboring property. The Board notes that DDOT indicated no objection to approval of the application and finds that the proposed dwelling would not likely create objectionable conditions in the alley with respect to vehicular circulation, especially considering that both accessory structures closest to the subject property (on Lot 27, the abutting property to the north, and on Lot 59, the property to the east, separated from the subject property by the walkway) are built to the side and rear lot lines abutting the alley. However, the Applicants failed to provide information required by Subtitle U § 601.1(c)(4) and (5), which directs the Board, when considering a request for a special exception to allow a residential use on an alley lot, to consider relevant agency comments concerning: (A) public safety, including any comments from the Fire and Emergency Medical Service Department and the Metropolitan Police Department, (B) water and sewer services, including any comments from D.C. Water, especially the Department of Permit Operations, (C) waste management, including any comments from the Department of Public Works; and (D) traffic and parking, including any comments from DDOT. The Applicants were required to submit or arrange for the submission of agency comments to the official case record; if no agency submission occurred, the Applicants were required instead to describe any communications with relevant agencies. In this case, the Applicants stated only that they "will contact each agency listed" "if necessary" or "if requested by the Board." (*See* Exhibit 48.)

Pursuant to Subtitle E § 5202.1, with respect to a special exception application for a property located in the RF-3 zone, the Board must consider whether the proposed development is: (a) compatible with the present and proposed development of the neighborhood; (b) consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and (c) in accordance

[15] The Office of Planning report was written before the application was amended to add the request for a special exception under Subtitle U § 601.1(c) to allow a residential use on an alley lot not meeting the matter-of-right requirements of Subtitle U § 600.1(e).

with the plan promulgated under the Act. The Board is unable to conclude that approval of the requested special exception relief would be consistent with the criteria applicable in the Capitol Interest zone. The Board notes that the Applicants' proposal to construct a principal dwelling at the subject property was at least partially supported by the Office of Planning, DDOT, and ANC 6B, and that the Architect of the Capitol had no objection to approval of the requested special exception relief from rear yard requirements. However, the Board cannot find that the proposed development is compatible with the present and proposed development of the neighborhood, having concluded that the requirements for subdivision of the property have not been met and in light of the absence of information required by Subtitle U § 601.1(c)(4) and (5).

The Board also concludes that approval of the requested special exceptions would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as required for approval by Subtitle X § 901.2. As previously discussed, the Zoning Regulations prohibit construction of the dwelling proposed by the Applicants unless the alley tax lot is first subdivided to create a record lot, and the subject property does not meet the requirements for that subdivision. Approval of the requested special exceptions, necessary for the construction of a new dwelling on an alley tax lot that would otherwise be inconsistent with zoning requirements, would not be in harmony with the general purpose and intent of the Zoning Regulations.

The Board is required to give "great weight" to the recommendation of the Office of Planning. D.C. Official Code § 6-623.04 (2012 Repl.). For the reasons discussed above, the Board concurs with OP's recommendation that the application should be denied.

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 6B adopted a resolution in support of the application without stating any issues or concerns about the requested zoning relief to which the Board can accord great weight. For the reasons discussed in this order, the Board concludes that the application does not meet the requirements for approval of the requested relief.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicants have not satisfied the burden of proof with respect to their application for area variances and special exceptions to allow a new principal dwelling on an existing alley tax lot in the RF-3 zone at 260 Lincoln Court, S.E. (Square 762, Lot 828). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE (May 27, 2020): 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May voting to DENY; 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: June 2, 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.

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. 05-28U
Z.C. Case No. 05-28U
Lano Parcel 12, LLC
(Two-Year Time Extension for PUD @ Square 5041, Lots 806 and 807; Square 5055, Lot 26; and Square 5056, Lots 41, 809-811, and 813)
January 29, 2018

Pursuant to notice, at its November 27, 2017 and January 28, 2018 public meetings, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of Lano Parcel 12, 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 deadline to file applications for the remaining second stage applications for the planned unit development ("PUD") approved by Z.C. Order No. 05-28 (the "Original Order"), as extended by Z.C. Orders Nos. 05-28H, 05-28L, and 05-28O; and
- A waiver of Subtitle Z § 705.5's maximum of two time extensions for a PUD to grant a fourth time extension.

The subject property consists of Lots 806 and 807 in Square 5041, Lot 26 in Square 5056, and Lots 41, 809-811, and 813 in Square 5056 (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. Pursuant to the Original Order, the Commission granted a PUD, together with a rezoning of the Property from the R-5-A and C-2-B Zone Districts to the C-3-A and CR Zone Districts, to construct approximately 3.1 million square feet of mixed-use development on the 15 vacant acres east of the Anacostia River in Ward 7 (the "First-Stage PUD").

2. Condition No. 13 of the Original Order required the Applicant to file an application for a second-stage PUD approval within one year of the April 13, 2007, effective date of the Original Order, and all subsequent second-stage applications within three years of the effective date of the first second-stage approval.

3. The Applicant filed its first second-stage application in Z.C. Case No. 05-28A on November 16, 2007, within the one-year deadline imposed by Condition No. 13 of the Original Order.

4. The Commission approved the first second-stage application in Z.C. Case No. 05-28A, effective October 3, 2008, which established the deadline for the Applicant to file all remaining second-stage applications by October 3, 2011, pursuant to Condition No. 13 of the Original Order.

5. Pursuant to Z.C. Order No. 05-28H,[1] effective February 3, 2012, the Commission granted a two-year time extension for filing the remaining second-stage applications until April 13, 2013.

6. Pursuant to Z.C. Order No. 05-28L,[2] effective February 7, 2014, the Commission granted a two-year time extension for filing the remaining second-stage applications until April 13, 2015.

7. Pursuant to Z.C. Order No. 05-28O,[3] effective February 12, 2016, the Commission granted a time extension for filing the remaining elements of the second stage PUD until October 3, 2017.

8. Pursuant to Z.C. Order Nos. 05-28P through 05-28T, the Commission approved second-stage applications.

Parties

9. In addition to the Applicant, the only parties to Z.C. Case No. 05-28 were Advisory Neighborhood Commissions ("ANC") 7D and 7F, the "affected" ANCs pursuant to Subtitle Z § 101.8,[4] and Parkside Townhomes Condominium, Inc. ("PTC").

The Application

10. On October 2, 2017, the Applicant filed the Application requesting a two-year time extension of the October 3, 2017, deadline established by Z.C. Order No. 05-28O to file the remaining second-stage applications.

11. The Application noted that there are three blocks remaining in the First-Stage PUD for which a second-stage application remains to be filed: Block G, a portion of Block H, and a portion of Block I. The Original Order approved approximately 500,000 square feet of residential development on Block G; 135,000 square feet of office development for the remainder of Block H; and 260,000 square feet of educational development for the remainder of Block I. (Exhibit ["Ex."] 1.)

12. The Applicant provided evidence that it served the Application on ANCs 7D and 7F and PTC, by October 23, 2017, as attested by the updated Certificate of Service submitted with the Application. (Ex. 3.)

13. The Application asserted that it met the requirements for the two-year time extension and waiver from the maximum of two time extensions because:
    - There has been no substantial change in any material facts upon which the Commission based its approval of the Original Order; and

[1] Pursuant to Z.C. Order Nos. 05-28B through 05-28G, the Commission approved second-stage applications (B, C, and F), denied a time extension request as premature (D), and approved modifications (E and G).
[2] Pursuant to Z.C. Order Nos. 05-28I through 05-28K, the Commission approved second-stage applications.
[3] Pursuant to Z.C. Order Nos. 05-28M and 05-28N, the Commission approved modifications.
[4] ANC 7F is an "affected ANC" per Subtitle Z § 101.8, as it is located directly across the street from the property that is the subject of this Application.

- Good cause justifies the Commission's granting the time extension because the PUD has been affected by a number of events that have slowed the development timetable, including:
  - The state of residential, retail, and office market east of the Anacostia River;
  - The timing of construction of previously approved projects; and
  - Challenges in obtaining financing for mixed-income and mixed-use development.

14. OP submitted a November 17, 2017, report (the "OP Report") recommending approval of the Application, including the waiver to allow the fourth time extension, conditioned on all new second-stage approvals being subject to all current environmental and housing regulations. (Ex. 6.)

15. The OP Report based its recommendation on OP's determinations that there had been substantial changes in the material facts on which the Commission had based its approval of the First-Stage PUD – specifically updated Comprehensive Plan and Zoning Regulations environmental (Green Area Ratio, "GAR") and affordable housing (Inclusionary Zoning, "IZ") standards – but that these would be addressed by the proposed conditions. The OP Report noted that the substantial new development near the site had been anticipated by the Commission in approving the First Stage PUD.

16. OP submitted a December 29, 2017, supplemental report (the "OP Supplemental Report"), clarifying the specific conditions that the Applicant had accepted: (Ex. 8, 9.)
- The remaining second-stage applications shall comply with the environmental regulations in effect at the time of filing of the remaining second-stage applications; and
- The remaining second-stage applications shall be subject to IZ in effect at the time of filing of the second-stage applications for any residential units constructed in excess of the 480 remaining units authorized by the First-Stage PUD, with the IZ taking effect at the conclusion of the 30-year affordability period established by the Original Order.

17. ANC 7D submitted a written report (the "ANC 7D Report") in support of the Application, citing the productive ongoing discussions with the Applicant that had improved the Applicant's proffered public benefits for second-stage applications. (Ex. 5.)

18. PTC did not participate in the proceedings for this 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 that 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 7D and 7F, and PTC – and that all were given 30 days to respond from the October 23, 2017, date of service.

4. 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.

5. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) because the only substantial changes in material facts upon which the Commission based its approval of the First-Stage PUD - the updated environmental and affordable housing standards (GAR & IZ) – will be addressed by the conditions proposed by OP and agreed to by the Applicant.

6. 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.

7. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(1) because the Applicant has demonstrated that it has diligently pursued the financing of the development of the Property and has not been able to move forward due to market conditions outside of its control, including challenges obtaining financing for mixed-use development east of the Anacostia River and the potential oversaturation of residential and commercial market without phasing the delivery of the remaining parcels in the First-Stage PUD.

8. Subtitle Z § 705.5 requires that "[a]n applicant with an approved PUD may request no more than two (2) extensions."

9. Subtitle Z § 101.9 authorizes the Commission to waive any of the provisions of Subtitle Z if, in the judgment of the Commission, the Applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

10. The Commission concludes that good cause exists for the Applicant's request for a waiver from the provisions of Subtitle Z § 705.5 to allow for a fourth time extension because of:
    - The size and scope of the project approved by the Original Order;
    - The Applicant's ongoing efforts to complete the second-stage projects; and
    - The support from the community for an extension. (Ex. 1 at 4, Ex. 5.)

11. The Commission concludes that no party will be prejudiced by the granting of this waiver – the ANC 7D Report supported the waiver request, and neither ANC 7F nor PTC filed any response.

"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, subject to the conditions pertaining to affordable housing and environmental impact described below, and therefore 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 the ANC 7D Report's support for the Application persuasive and concurs with 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 two-year time extension (with a waiver of Subtitle Z § 705.5) of Z.C. Order No. 05-28, as extended by Z.C. Order No. 05-28O, until October 3, 2019, within which time any outstanding second-stage PUD application must be filed, subject to the following conditions and provisions:

1. All remaining second-stage PUD applications shall comply with the environmental regulations in effect at the time of filing of the second-stage PUD application.

2. All residential units proposed by the remaining second-stage PUD applications in excess of the 480 remaining units authorized by the First-Stage PUD shall be subject to Inclusionary Zoning requirements in effect on the effective date of this Order 05-28U, with the IZ requirements to take effect at the end of the 30-year affordability period established by the Original Order.

The conditions in Z.C. Order No. 05-28 remain unchanged and in effect.

VOTE (January 29, 2018): 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order 05-28U shall become final and effective upon publication in the *D.C. Register*; that is, on June 12, 2020.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 20-12
(Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes, Inc. – Consolidated PUD and Related Map Amendment @ Square 499, Lot 52 – 400 I Street, S.W.
May 28, 2020

THIS CASE IS OF INTEREST TO ANC 6D

On May 22, 2020, the Office of Zoning received an application from Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes, Inc. [collectively, "the Applicant"] for approval of a consolidated planned unit development ("PUD") and related map amendment for the above-referenced property.

The Applicant proposes to redevelop the subject property (which currently houses the church and its grounds) to contain approximately 222 new residential units, over half of which will be affordable senior housing, and to provide new facilities for the Westminster Presbyterian Church. The property is currently zoned R-3, and the Applicant proposes rezoning, for the purposes of this project, to the MU-2 zone. The maximum height of the building will be 90 feet (plus occupiable penthouse) and its maximum density will be a 7.06 floor area ratio ("FAR"). The building will have a total of 60 car parking spaces.

This case was filed electronically through the Interactive Zoning Information System ("IZIS"), which can be accessed through http://dcoz.dc.gov. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.