

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 23-0129, COVID-19 Response Supplemental Temporary Amendment Act of 2020
- D.C. Council enacts Act 23-415, Eviction Notice Moratorium Emergency Amendment Act of 2020
- D.C. Council schedules public hearings to discuss bills related to Rent Stabilization Program Reform (B23-0873) and Hardship Petition Reform (B23-0972)
- D.C. Council schedules a public hearing on Bill 23-923, Helping Children Impacted by Parental Incarceration Amendment Act of 2020
- D.C. Council schedules a public roundtable on the “Response to the COVID-19 Public Health Emergency by the Agencies under the Purview of the Committee on Human Services”
- D.C. Council schedules a public roundtable to discuss the “Return to In-person Instruction in DC Public Schools”
- DC Commission on the Arts and Humanities cancels the FY 2021 UPSTART Grant
- Department of Health Care Finance announces funding availability for developing a produce prescription program for the District’s public insurance program beneficiaries
- Office of the Secretary proposes regulations to implement the Revised Uniform Law on Notarial Acts Act of 2018

DISTRICT OF COLUMBIA REGISTER

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0129

"COVID-19 Response Supplemental Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0734 on First Reading and Final Reading, on April 7, 2020, and April 21, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0323 and was published in the edition of the D.C. Register (Vol. 67, page 6601). Act A23-0323 was transmitted to Congress on July 16, 2020 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act A23-0323 is now D.C. Law L23-0129, effective October 9, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
July	16,17,20,21,22,23,24,27,28,29,30,31
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30
October	1,2,5,6,7,8

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW L23-0130

"Coronavirus Support Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0758 on First Reading and Final Reading, on May 19, 2020, and June 9, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0334 and was published in the edition of the D.C. Register (Vol. 67, page 8622). Act A23-0334 was transmitted to Congress on July 16, 2020 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act A23-0334 is now D.C. Law L23-0130, effective October 9, 2020.


Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
July	16,17,20,21,22,23,24,27,28,29,30,31
August	3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
September	1,2,3,4,8,9,10,11,14,15,16,17,18,21,22,23,24,25,28,29,30
October	1,2,5,6,7,8

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-412

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend, on an emergency basis, section 14-307 of the District of Columbia Official Code to prohibit sexual assault counselors from disclosing confidential information acquired from a client in a professional capacity without consent of the client or their legal representative; and to amend the Sexual Assault Victims’ Rights Amendment Act of 2019 to extend the applicability date for certain provisions from October 1, 2020 to January 1, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sexual Assault Victims’ Rights Clarification Emergency Amendment Act of 2020”.

Sec. 2. Section 14-307 of the District of Columbia Official Code is amended as follows:

(a) The section heading is amended to read as follows:

“§ 14-307. Confidential information.”

(b) Subsection (a) is amended by striking the phrase “sexual assault victim advocate as defined in § 14-312(a)(7)” and inserting the phrase “sexual assault counselor as defined in § 23-1907(10)” in its place.

Sec. 3. Section 9(a) of the Sexual Assault Victims’ Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; 67 DCR 3072), is amended by striking the date “October 1, 2020” and inserting the date “January 1, 2021” in its place.

Sec. 4. Applicability.

This act shall apply as of October 1, 2020.

Sec. 5. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 14, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-413

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To require, on an emergency basis, due to congressional review, that the District Department of Transportation publish a report identifying modifications to roadways in each ward that will create space for uses other than for motorized vehicles and to set a timeline for implementation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Connected Transportation Network Congressional Review Emergency Act of 2020”.

Sec. 2. Connected transportation network.

(a) Within 28 days after the effective date of the Connected Transportation Network Emergency Act of 2020, effective July 7, 2020 (D.C. Act 23-331; 67 DCR 8607), the District Department of Transportation (“DDOT”) shall publish a report identifying modifications to at least 20 miles of streets in the District, including streets in all 8 wards, that will allow, in the roadway, uses other than for motorized vehicles, such as for bicycles. The streets identified pursuant to this subsection shall, to the greatest extent possible, be connected to each other, creating a network of lanes or safe traveling spaces.

(b) The modifications identified pursuant to subsection (a) of this section shall be one of, or a combination of, the following:

- (1) Closure of a street to through traffic;
- (2) Creation of a protected bicycle lane; or
- (3) Reduction of travel lanes to expand public space.

(c)(1) By September 1, 2020, DDOT shall implement at least 20 miles of the modifications identified in the report required by subsection (a) of this section; except, that no modifications shall be implemented in Ward 8.

(2) By October 15, 2020, DDOT shall amend the report required by subsection (a) of this section to include at least 5 additional miles of modifications.

(3) By November 1, 2020, DDOT shall have implemented at least another 5 miles of modifications identified in the report required by paragraph subsection (a) of this section; except, that no modifications shall be implemented in Ward 8.

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(d) Modifications made pursuant to this section shall remain in place until at least 270 days following the expiration 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), or at such time as the Mayor declares the District to be in phase 4 of reopening as described in the ReOpen DC Advisory Group Recommendations to the Mayor, whichever is later.

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 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
October 14, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-414

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend, on an emergency basis, An Act To create a Department of Corrections in the District of Columbia to limit the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

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

Sec. 2. Section 7 of An Act To create a Department of Corrections in the District of Columbia, effective December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07), is amended to read as follows:

“Sec. 7. Prohibition on cooperation with federal immigration agencies.

“(a) Absent a judicial warrant or order, issued by a federal judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, that authorizes a federal immigration agency to take into custody the person who is the subject of such warrant or order, the District of Columbia shall not:

“(1) Hold an individual in the District’s custody after that individual would have been otherwise released, except as provided in section 2a(c)(6);

“(2) Provide to any federal immigration agency an office, booth, or any facility or equipment for a generalized search of or inquiry about an individual in the District’s custody;

“(3) Permit any federal immigration agency to interview an individual in the District’s custody without giving the individual an opportunity to have counsel present; or

“(4) Except as provided in Intergovernmental Agreement No. 16-00-0016, entered into between the Department of Corrections and the United States Marshals Service:

“(A) Provide to a federal immigration agency an individual’s date and time of release, location, address, or criminal case information;

“(B) Grant any federal immigration agency access to any District detention facility, including a facility under the control of the Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavioral Health, or the Metropolitan Police Department, for the purpose of releasing an individual into federal custody; or

ENROLLED ORIGINAL

“(C) Release an individual for the purpose of transferring the individual into the custody of any federal immigration agency.

“(b) The District shall not inquire into the immigration status of an individual in its custody.

“(c) Nothing in this section shall be construed to establish a right to counsel that does not otherwise exist in law.

“(d) Nothing in this section shall be construed to create a private right of action.”.

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 Mayor), 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
October 14, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend, on an emergency basis, the Rental Housing Act of 1985 to prohibit housing providers from issuing notices to vacate and from engaging in actions intended to force tenants to leave their housing or otherwise give up their rights under the law for the remaining duration of the public health emergency and for 60 days thereafter.

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

Sec. 2. Section 501 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10, D.C. Official Code § 42-3505.01), is amended by adding a new subsection (q) to read as follows:

“(q)(1) Beginning on the effective date of the Eviction Notice Moratorium Emergency Amendment Act of 2020, passed on emergency basis on September 22, 2020 (Enrolled version of Bill 23-898), for the period of time during which there exists 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), and for 60 days thereafter no housing provider may:

“(A) Issue to a tenant a notice to vacate pursuant to this section; or

“(B) Engage in any action that is intended to force tenants to leave their housing or otherwise give up their rights under the law, including the actions described under section 502(a).

“(2) Any person who violates paragraph (1) of this subsection shall be subject to penalties under section 901(b).”.

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).

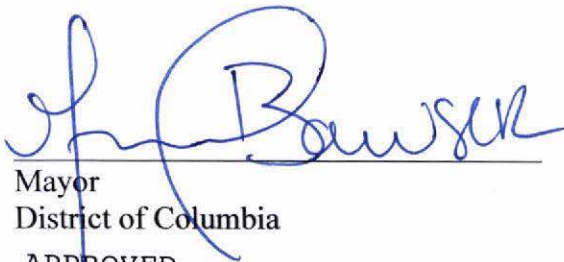
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Sec. 4. Effective date.

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 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
October 14, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend, on an emergency basis, the Fiscal Year 2021 Budget Support Act of 2020, the Fiscal Year 2021 Budget Support Emergency Act of 2020, the Washington Convention Center Authority Act of 1994, Title 47 of the D.C. Official Code, and the District of Columbia Traffic Act, 1925, to clarify provisions supporting the Fiscal Year 2021 budget; and to authorize the Chief Financial Officer to impose a fee or processing cost related to a payment made by credit card or other electronic payment method.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2021 Budget Support Clarification Emergency Amendment Act of 2020”.

Sec. 2. The Fiscal Year 2021 Budget Support Act of 2020, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), is amended as follows:

(a) Section 2192 is amended as follows:

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

“(a)(1) Capital project DHA21C (“DHA21C”) shall be administered by the Office of the Chief Financial Officer (“OCFO”), with available project allotments advanced to the District of Columbia Housing Authority (“Authority”) on a quarterly basis for the encumbrances and expenditures planned for that quarter; provided, that the requirements of subsection (b) of this section are met.

“(2) DHA21C funds shall be used by the Authority to fund capital-eligible construction, renovation, or rehabilitation subprojects that:

“(A) Increase the longevity of public housing units;

“(B) Prevent existing tenants from being displaced; or

“(C) Increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist.

“(3) DHA21C funds shall not be used to fund the Authority’s operating costs, renovation, or rehabilitation of any unit set to be demolished, sold, or otherwise removed from

ENROLLED ORIGINAL

the Authority inventory, or any administrative or overhead costs not specifically attributable to a subproject.”.

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

“(b)(1) Each fiscal year that DHA21C funds are available, the Authority shall submit to the Mayor, the Council, and the OCFO a proposed spending plan, which shall include:

“(A) Documentation that planned encumbrances and expenditures are capital eligible; and

“(B) Information on each subproject for which the Authority proposes to use DHA21C funds, including, at a minimum:

“(i) The proposed location of the subproject;

“(ii) A detailed proposed scope of the subproject;

“(iii) A detailed proposed line-item budget for the subproject;

“(iv) A detailed proposed timeline for the subproject; and

“(v) A statement of whether the implementation of the proposed subproject will require the relocation of tenants and, if relocation is required, a detailed proposed relocation plan.

“(2) In the event of significant delays or changes in planned encumbrances and expenditures for any subproject during the fiscal year, the Authority shall update its spending plan and provide additional documentation as needed to minimize unencumbered and unexpended transfers, avoid causing the District to incur unnecessary debt service costs, and ensure that all subproject encumbrances and expenditures are capital eligible.”.

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

“(d) The Inspector General of the District of Columbia shall audit the Authority’s capital project DHA21C financial statements for the previous fiscal year not later than February 1, 2021, and not later than each February 1 thereafter for as long as DHA21C funds remain unspent by the Authority. The Inspector General shall submit to the Mayor, the Chief Financial Officer, and the Council a report on the results of each audit.”.

(b) Amendatory section 203a of the Washington Convention Center Authority Act of 1994, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), in section 7212 is amended as follows:

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

(A) The lead-in language is amended as follows:

(i) Strike the phrase “the Washington Convention and Sports Authority shall” and insert the phrase “the Washington Convention and Sports Authority (“Events DC”) shall” in its place.

(ii) Strike the phrase “a District resident shall” and insert the phrase “a District resident shall, at the time of application for assistance under this section” in its place.

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

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“(1) Demonstrate loss of income due to the public health emergency;”.

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

“(2)(A) Be ineligible for:

“(i) Unemployment insurance; or

“(ii) COVID-19 relief; or

“(B) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended not more than 6 months before the time of application for assistance under this section; and”.

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

“(3) Provide a:

“(A) Signed certification that the resident’s loss of income stems from the public health emergency; and

“(B) Proof of residency and eligibility for relief, as determined by Events DC and consistent with rules and standards for COVID-19 relief programs administered by Events DC.”.

(2) Subsection (d)(2) is amended to read as follows:

“(2) COVID-19 relief” means federal monetary unemployment assistance provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*), which shall include tax credits but shall not include federal Economic Impact Payments or other stimulus relief for which eligibility is not contingent on the recipient’s employment status.”.

Sec. 3. Section 2192 of the Fiscal Year 2021 Budget Support Emergency Act of 2020, effective August 19, 2020 (D.C. Act 23-404; 67 DCR 10098), is amended as follows:

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

“(a)(1) Capital project DHA21C (“DHA21C”) shall be administered by the Office of the Chief Financial Officer (“OCFO”), with available project allotments advanced to the District of Columbia Housing Authority (“Authority”) on a quarterly basis for the encumbrances and expenditures planned for that quarter; provided, that the requirements of subsection (b) of this section are met.

“(2) DHA21C funds shall be used by the Authority to fund capital-eligible construction, renovation, or rehabilitation subprojects that:

“(A) Increase the longevity of public housing units;

“(B) Prevent existing tenants from being displaced; or

“(C) Increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist.

ENROLLED ORIGINAL

“(3) DHA21C funds shall not be used to fund the Authority’s operating costs, renovation, or rehabilitation of any unit set to be demolished, sold, or otherwise removed from the Authority inventory, or any administrative or overhead costs not specifically attributable to a subproject.”.

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

“(b)(1) Each fiscal year that DHA21C funds are available, the Authority shall submit to the Mayor, the Council, and the OCFO a proposed spending plan, which shall include:

“(A) Documentation that planned encumbrances and expenditures are capital eligible; and

“(B) Information on each subproject for which the Authority proposes to use DHA21C funds, including, at a minimum:

“(i) The proposed location of the subproject;

“(ii) A detailed proposed scope of the subproject;

“(iii) A detailed proposed line-item budget for the subproject;

“(iv) A detailed proposed timeline for the subproject; and

“(v) A statement of whether the implementation of the proposed subproject will require the relocation of tenants and, if relocation is required, a detailed proposed relocation plan.

“(2) In the event of significant delays or changes in planned encumbrances and expenditures for any subproject during the fiscal year, the Authority shall update its spending plan and provide additional documentation as needed to minimize unencumbered and unexpended transfers, avoid causing the District to incur unnecessary debt service costs, and ensure that all subproject encumbrances and expenditures are capital eligible.”.

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

“(d) The Inspector General of the District of Columbia shall audit the Authority’s capital project DHA21C financial statements for the previous fiscal year not later than February 1, 2021, and not later than each February 1 thereafter for as long as DHA21C funds remain unspent by the Authority. The Inspector General shall submit to the Mayor, the Chief Financial Officer, and the Council a report on the results of each audit.”.

Sec. 4. Section 203a of the Washington Convention Center Authority Act of 1994, effective August 19, 2020 (D.C. Act 23-404; 67 DCR 10098), is amended as follows:

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

(1) The lead-in language is amended as follows:

(A) Strike the phrase “the Washington Convention and Sports Authority shall” and insert the phrase “the Washington Convention and Sports Authority (“Events DC”) shall” in its place.

(B) Strike the phrase “a District resident shall” and insert the phrase “a District resident shall, at the time of application for assistance under this section” in its place.

ENROLLED ORIGINAL

(2) Paragraph (1) is amended to read as follows:

“(1) Demonstrate loss of income due to the public health emergency;”.

(3) Paragraph (2) is amended to read as follows:

“(2)(A) Be ineligible for:

“(i) Unemployment insurance; or

“(ii) COVID-19 relief; or

“(B) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended not more than 6 months before the time of application for assistance under this section; and”.

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

“(3) Provide a:

“(A) Signed certification that the resident’s loss of income stems from the public health emergency; and

“(B) Proof of residency and eligibility for relief, as determined by Events DC and consistent with rules and standards for COVID-19 relief programs administered by Events DC.”.

(b) Subsection (d)(2) is amended to read as follows:

“(2) COVID-19 relief” means federal monetary unemployment assistance provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*), which shall include tax credits but shall not include federal Economic Impact Payments or other stimulus relief for which eligibility is not contingent on the recipient’s employment status.”.

Sec. 5. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2002.02(2) is amended as follows:

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

(2) Subparagraph (C) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(D) Spirituous or malt liquors, beers, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g).”.

(b) Section 47-2202.01(2) is amended as follows:

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

ENROLLED ORIGINAL

(2) Subparagraph (C) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(D) Spirituous or malt liquors, beers, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g).”.

Sec. 6. Section 6(j)(3)(F) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(3)(F)), is amended by striking the phrase “described in section 125(3)(C) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Official Code § 47-2002(3)(C))” and inserting the phrase “described in D.C. Official Code §§ 47-2002(a)(4B) and 47-2002.02(2)(C)” in its place.

Sec. 7. Chief Financial Officer collection of fees and processing costs.

(a) For any payment made by credit card or other electronic payment method, the Chief Financial Officer may impose any fee or processing cost related to the transfer or payment method.

(b) The Office of the Chief Financial Officer may promulgate regulations to implement the provisions of this section.

Sec. 8. Applicability.

This act shall apply as of October 1, 2020.

Sec. 9. 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. 10. 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
October 14, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend, on an emergency basis, the Commission on the Arts and Humanities Act to allow grant recipients to use grant funds to cover certain office-related rent or mortgage operating costs during Fiscal Year 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Arts and Humanities Capital Funding Emergency Amendment Act of 2020”.

Sec. 2. Section 6(c-1)(2)(A) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-205(c-1)(2)(A)), is amended to read as follows:

“(A) 17% for grants to fund capital projects in support of either the Arts and Humanities Cohort or the National Capital Arts Cohort; provided, that during Fiscal Year 2021 these grant funds may be used, if approved by the Commission, to pay:

“(i) Rent or mortgage expenses for the operation of a grant recipient’s arts-or-humanities-related home-based office in the District; and

“(ii) Rent or mortgage expenses for the operation of a grant recipient’s space in the District used to produce or publicly present arts-or-humanities-related work.”.

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.

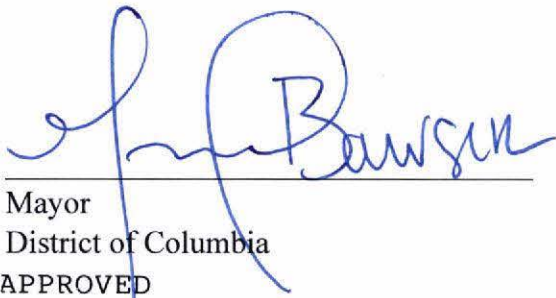
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
October 14, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend the Disability Rights Protection Act of 2006 to establish the Office for the Deaf, Deafblind, and Hard of Hearing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office for the Deaf, Deafblind, and Hard of Hearing Establishment Amendment Act of 2020”.

Sec. 2. The Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1431.01) is amended as follows:

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

“(3A) “Deaf” means a severe or complete absence of auditory sensitivity, where the primary effective receptive communication mode is visual, tactile, or both.

“(3B) “Deafblind” means a sensory disability resulting from a combination of hearing and vision loss or impairment.

“(3C) “Deaf, deafblind, and hard of hearing communities” means the cultural minority of individuals who are deaf, deafblind, or hard of hearing .”.

(2) New paragraphs (5A) and (5B) are added to read as follows:

“(5A) “Hard of hearing” means permanent hearing loss which is severe enough to necessitate the use of amplification or other devices to hear and comprehend oral communications.

“(5B) “Interpreter services” means services that provide communications access to members of the deaf, deafblind, and hard of hearing communities through qualified interpreters or the use of assistive technology, including assistive listening devices (“ALDs”) and communication access real-time translation (“CART”).”.

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

“(7A) “ODDHH” means the Office for the Deaf, Deafblind, and Hard of Hearing established by section 4a.”.

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

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“(9A) “Qualified interpreter” means a specialist who provides interpreting, translation, and transliteration services in American Sign Language or other visual and tactile communication forms used by individuals who are deaf, deafblind, or hard of hearing, and is certified by ODDHH or a credentialing program or organization recognized by ODDHH.”.

(b) Section 3 (D.C. Official Code § 2-1431.02) is amended as follows:

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

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

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

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

“(6) Submit an annual self-evaluation and implementation plan to ODDHH describing how the agency shall ensure that all programs and public information are accessible to the deaf, deafblind, and hard of hearing communities, including an evaluation of the agency’s coordination with ODDHH to provide interpreter services.”.

(2) Subsection (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 a semicolon in its place.

(C) New paragraphs (3) and (4) are added to read as follows:

“(3) Establish and implement a plan to enhance existing programs or to create new programs to ensure that all services provided by agencies are accessible to the deaf, deafblind, and hard of hearing communities; and

“(4) Establish and implement a plan to address particular areas of concern identified by ODDHH.”.

(c) A new section 4a is added to read as follows:

“Sec. 4a. Establishment of the Office for the Deaf, Deafblind, and Hard of Hearing.

“(a) There is established an Office for the Deaf, Deafblind, and Hard of Hearing.

“(b) The purpose of ODDHH is to advance the civil rights of the deaf, deafblind, and hard of hearing communities by ensuring and overseeing District-wide compliance with laws that affect the deaf, deafblind, and hard of hearing communities.

“(c)(1) ODDHH shall be headed by a Director, who shall be deaf, deafblind, or hard of hearing and who shall be appointed by the Mayor with the advice and consent of the Council 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)).

“(2) The Director shall serve as the Chief Administrative Officer and may organize personnel, re-delegate authority, develop programs, and take other action consistent with appropriations and other applicable law. Annual compensation for the Director shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit

ENROLLED ORIGINAL

Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51 *et seq.*).

“(3) If the position of Director is vacant or about to be vacant, the Mayor shall seek and receive input on the selection of the Director from organizations representing the interests of the deaf, deafblind, and hard of hearing communities.

“(d) The Director shall endeavor to hire qualified individuals who are members of the deaf, deafblind, and hard of hearing communities.

“(e) ODDHH shall:

“(1) Advocate for the adoption of laws, policies, and programs that benefit the deaf, deafblind, and hard of hearing communities;

“(2) Provide community outreach, training, and education on issues affecting the deaf, deafblind, and hard of hearing communities;

“(3) Provide information about existing programs and services for the deaf, deafblind, and hard of hearing communities;

“(4) Refer members of the deaf, deafblind, and hard of hearing communities with problems or concerns to the appropriate District agency or organization;

“(5) Assist educational institutions, employment agencies, social service agencies, and businesses comply with District and federal laws that affect the deaf, deafblind, and hard of hearing communities;

“(6) Provide members of the deaf, deafblind, and hard of hearing communities with access to specialized services, including case management, interpreter services, technology services, such as assistive listening devices, independent living services, and information services;

“(7) Maintain a registry of available qualified interpreters in the District and work to increase the number of qualified interpreters in the District;

“(8) Create and distribute visor communication cards to the Metropolitan Police Department containing instructions on how to effectively communicate with a deaf, deafblind, or hard of hearing motorist, along with images of common traffic situations;

“(9) Assist agencies in developing policies and practices that consider the needs of the deaf, deafblind, and hard of hearing communities;

“(10) Ensure District-wide compliance with laws and policies that protect the civil rights of the deaf, deafblind, and hard of hearing communities;

“(11) Assist agencies and the Council with referrals to qualified interpreters;

“(12) Coordinate with the appropriate agencies to provide:

“(A) All members of the deaf, deafblind, and hard of hearing communities who are children with support and access, from birth, to all services necessary to ensure language access and developmental support; and

“(B) The deaf, deafblind, and hard of hearing communities with support and access to workforce development opportunities;

“(13) Provide training to agencies and the Council on:

ENROLLED ORIGINAL

“(A) The needs of the deaf, deafblind, and hard of hearing communities as it relates to each agency’s and the Council’s functions and mission;

“(B) Cultural awareness of the deaf, deafblind, and hard of hearing communities; and

“(C) Basic sign language communication; and

“(14) Within one year of the effective date of this act, and annually thereafter, submit to the Council and the Mayor a report that includes:

“(A) An analysis of the accessibility of District programs for the deaf, deafblind, and hard of hearing communities;

“(B) An evaluation of the availability of American Sign Language interpretation, real-time captioning, assistive listening systems, and other language access measures for the deaf, deafblind, and hard of hearing communities, at agencies and the Council; and

“(C) Recommendations for new laws, policies, or programs that address the needs of the deaf, deafblind, and hard of hearing communities.”.

(d) Section 6(b) (D.C. Official Code § 2-1431.05(b)) is amended by striking the phrase “The Office shall” and inserting the phrase “The Office of Disability Rights and the Office for the Deaf, Deafblind, and Hard of Hearing shall” in its place.

(e) Section 9(c) (D.C. Official Code § 2-1431.08(c)) is amended to read as follows:

“(c) All agencies assigned specific functions under the rules described in subsection (b) of this section shall enter into a Memorandum of Agreement (“MOA”) or a Memorandum of Understanding (“MOU”) with the Office of Disability Rights and with the Office for the Deaf, Deafblind, and Hard of Hearing. Each MOA or MOU shall describe operational and communication procedures for interaction with the Office and with ODDHH.”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec.4. Fiscal impact statement.

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

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Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 14, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 14, 2020

To amend Chapter 48 of Title 16 of the District of Columbia Official Code to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be, subject to an adverse immigration action or who has been exposed to COVID-19, to make short-term plans for a child without terminating or limiting that person’s parental or custodial rights.

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

Sec. 2. Chapter 48 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-4801 is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “or who is periodically incapable of caring for the needs of a child due to the parent’s incapacity or debilitation resulting from illness,” and inserting the phrase “who is periodically incapable of caring for the needs of a child due to the parent’s incapacity or debilitation resulting from illness, or who may be subject to an adverse immigration action,” in its place.

(2) Paragraph (2) is amended by striking “ill parents” and inserting “parents who may be ill or subject to an adverse immigration action” in its place.

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

(1) Paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Adverse immigration action” includes any of the following events:

“(A) Arrest or apprehension by any local, state, or federal law enforcement officer for an alleged violation of federal immigration law;

“(B) Arrest, detention, or custody by the Department of Homeland Security or a federal, state, or local agency authorized or acting on behalf of the Department of Homeland Security;

ENROLLED ORIGINAL

“(C) Departure from the United States under an order of removal, deportation, exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure;

“(D) The denial, revocation, or delay of the issuance of a visa or transportation letter by the Department of State;

“(E) The denial, revocation, or delay of the issuance of a parole document or reentry permit by the Department of Homeland Security; or

“(F) The denial of admission or entry into the United States by the Department of Homeland Security or other local or state officer acting on behalf of the Department of Homeland Security.”.

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

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

(4) 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.”.

(5) Paragraph (8) is amended by striking the phrase “, who 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 inserting a period in its place.

(6) 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.”.

(7) 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; or

“(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;

ENROLLED ORIGINAL

“(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.”.

(c) Section 16-4804(a) is amended by striking the phrase “the designator’s health” and inserting the phrase “the designator’s health or immigration status” in its place.

(d) Section 16-4805 is amended as follows:

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

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

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

(ii) Subparagraph (C) is amended by striking the semicolon and inserting the phrase “; or” in its place.

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

“(D) An adverse immigration action against the designator.”.

(B) Paragraph (4) is amended by striking the phrase “that the designator suffers” and inserting the phrase “that the designator experienced an adverse immigration action or suffers” in its place.

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

“(7A) If an adverse immigration action is the triggering event, documentation demonstrating that an adverse immigration action occurred;”.

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

“(d-1) Except by order of the Court, no records in an action filed on or after July 31, 2019, over which the Court has jurisdiction under this section shall be open to inspection by anyone other than the parties or authorized Court staff. The Court, upon a proper showing of reasonable grounds, may furnish certified copies of the records, or portions thereof, to the parties.”.

(e) Section 16-4806 is amended as follows:

(1) Subsection (b) is amended by striking the phrase “or dies.” and inserting the phrase “dies, or is subject to an adverse immigration action.” in its place.

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

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

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(B) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(4) The documentation demonstrating that an adverse immigration action occurred against the designator.”.

(3) Subsection (1) is amended by striking the phrase “medically unable to appear” and inserting the phrase “unable to appear for medical reasons or due to an adverse immigration action” in its place.

Sec. 3. Fiscal impact statement.

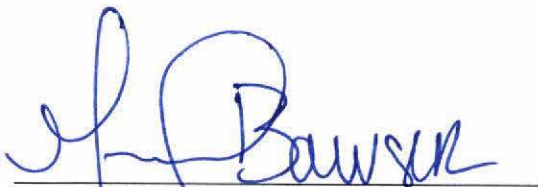
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 14, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 15, 2020

To amend, on an emergency basis, the Grant Administration Act of 2013 to require a grantor agency to maintain records of any sole source justifications and final agency justifications related to the selection of a grantee and to make these documents available to the Mayor or to a member of the Council upon request.

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

Sec. 2. Section 1095(2)(A) of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.14(2)(A)), is amended by striking the phrase “records of any” and inserting the phrase “records of any sole source and final agency justifications related to the selection of a grantee, and any” in its place.

Sec. 3. Fiscal impact statement.

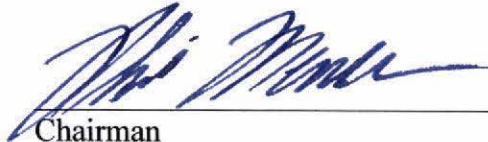
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED _____

Mayor
District of Columbia
October 14, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-528

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of the report on the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary to conduct an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the analysis of the root causes of youth crime and prevalence of adverse childhood experiences report to March 31, 2020, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; and to amend 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 to clarify that amendments to section 3c of the act apply to all proceedings pending in any District of Columbia court that were initiated under that section, regardless of when those proceedings were initiated.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Criminal Justice Coordinating Council Information Sharing Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On July 7, 2020, the Council passed the Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2020, effective August 5, 2020 (D.C. Act 23-357; 67 DCR 9658) (“emergency act”). The emergency act will expire on November 2, 2020.

(b) On July 21, 2020, the Council passed the Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2020, enacted on August 13, 2020 (D.C. Act 23-393; 67 DCR 9902) (“temporary act”), which is pending congressional review and for which no projected law date is currently available.

(c) This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Criminal Justice Coordinating Council Information Sharing Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHCSUPP-20-C Modifications 2 and 3 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc. to provide food and nutrition services to the Not-for-Profit Hospital Corporation to support the COVID-19 pandemic and regular operations, and to authorize payment for the services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHCSUPP-20-C Modifications 2 and 3 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Modifications 2 and 3 to Contract No. NFPHCSUPP-20-C (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Morrison Management Specialist, Inc. (“Morrison”) to provide food and nutrition services to the Hospital to support the COVID-19 pandemic and for regular operations and to authorize payment for the services received and to be received under these modifications.

(b) The base year of the Contract, in the amount of \$2, 218,174.14, was approved through emergency legislation by the Council and enacted on March 17, 2020.

(c) On March 11, 2020, the Mayor issued the first COVID-19-related emergency and public health emergency orders. The Hospital’s participation in the Mayor’s Surge Task Force led to the realization that additional food and nutrition services were needed.

(d) To timely meet the District’s surge response requirements, the Hospital procured additional food and nutrition services from Morrison in the amount of \$461,415.00, effective May 5, 2020 (“Modification 2”). Proposed Modification 2 increased the total value of the base year Contract to \$2,269,589.14.

(e) Proposed Modification 3 seeks to exercise option year 1 of the Contract for the period August 1, 2020, to July 31, 2021, and with a value of \$1,757,253. Modifications 2 and 3 have a total value of \$2,218,668.

(f) Council approval of these modifications is necessary because they have an aggregate value that exceeds \$1 million in a 12-month period.

ENROLLED ORIGINAL

(g) Emergency approval of these modifications for \$2,218,668 is necessary to prevent any impact to the Hospital's provision of food and nutrition services.

(h) Without Council approval, Morrison cannot be paid for services provided and to be provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHCSUPP-20-C Modifications 2 and 3 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc. Approval and Payment Authorization Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-C58692 between the Not-for-Profit Hospital Corporation and Nihon Kohden America, Inc. to provide ventilators to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic, and to authorize payment for the goods received and to be received under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-C58692 between Not-for-Profit Hospital Corporation and Nihon Kohden America, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-C58692 (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Nihon Kohden America, Inc. (“Nihon Kohden”) to provide ventilators to the Hospital during the COVID-19 pandemic and to authorize payment for the goods received and to be received under this Contract.

(b) On March 11, 2020, the Mayor issued the first COVID-19-related emergency and public health emergency orders. The Hospital’s participation in the Mayor’s Surge Task Force led to the realization that additional ventilators would be needed during the surge to allow the Hospital to deliver healthcare services to additional patients.

(c) To meet the District’s surge response requirements, on March 26, 2020, ventilators were procured from Nihon Kohden with a total Contract value of \$1,002,713.04.

(d) Council approval of the Contract is necessary because it has an aggregate value that exceeds \$1 million in a 12-month period.

(e) Emergency approval of this Contract in the amount of \$1,002,713.04 is necessary to prevent any impact to the Hospital’s provision of vital ventilators during this pandemic.

(f) Without Council approval, Nihon Kohden cannot be paid for goods provided and to be provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHC-C58692 between

ENROLLED ORIGINAL

Not-for-Profit Hospital Corporation and Nihon Kohden America, Inc. Approval and Payment Authorization Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-2018-156 Modification 1 between the Not-for-Profit Hospital Corporation and Premium Critical Care Solutions LLC to provide ICU physician services to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic and for regular operations, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-2018-156 Modification 1 between the Not-for-Profit Hospital Corporation and Premium Critical Care Solutions LLC Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-2018-156 Modification 1 (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Premium Critical Care Solutions LLC (“PCCS”) to provide ICU physician services to the Hospital in response to the COVID-19 pandemic and for regular operations and to authorize payment for the services received and to be received under this Contract.

(b) On March 11, 2020, the Mayor issued the first COVID-19-related emergency and public health emergency orders. The Hospital’s participation in the Mayor’s Surge Task Force led to the realization that additional ICU physician services were needed.

(c) To timely meet the District’s surge-related needs, on May 11, 2020, the Hospital and PCCS contemporaneously executed option year 2 to the Contract for the period from May 1, 2020, to April 30, 2021, and with a value of \$985,600, as well as the COVID-19-related Modification 1 with a value of \$259,927.33, effective May 11, 2020, for a total Contract value of \$1,245,527.33.

(d) Council approval of the Contract is necessary because the Contract has an aggregate value that exceeds \$1 million in a 12-month period.

(e) Emergency approval of this Contract in the amount of \$1,245,527.33 is necessary to prevent any impact to the Hospital’s provision of ICU physician services.

(f) Without Council approval, PCCS cannot be paid for services provided and to be provided in excess of \$1 million.

ENROLLED ORIGINAL

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHC-2018-156 Modification 1 between the Not-for-Profit Hospital Corporation and Premium Critical Care Solutions LLC Approval and Payment Authorization Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHCMM-20-P Modifications between the Not-for-Profit Hospital Corporation and Safe Life Defense LLC to provide personal protective equipment to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic, and to authorize payment for the goods received and to be received under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHCMM-20-P Modifications between Not-for-Profit Hospital Corporation and Safe Life Defense LLC Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHCMM-20-P Modifications (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Safe Life Defense LLC to provide personal protective equipment (“PPE”) to the Hospital during the COVID-19 pandemic and to authorize payment for the goods received and to be received under this Contract.

(b) On March 11, 2020, the Mayor issued the first COVID-19-related emergency and public health emergency orders. The Hospital’s participation in the Mayor’s Surge Task Force led to the realization that additional PPE would be needed during the surge to allow the Hospital to deliver healthcare services to additional patients.

(c) To meet the District’s surge response requirements, PPE was procured from Safe Life Defense LLC through the initial purchase order for \$81,000, effective April 16, 2020, and Modification 1 for \$1,350,000, effective April 24, 2020, for a total Contract value of \$1,431,000. The Hospital elected to purchase a smaller quantity of goods and supplies initially to ensure that the vendor could produce high-quality goods in a timely manner before purchasing additional goods and supplies from the vendor through a subsequent purchase order.

(d) Council approval of the Contract is necessary because the Contract has an aggregate value that exceeds \$1 million in a 12-month period.

(e) Emergency approval of this Contract in the amount of \$1,431,000 is necessary to prevent any impact to the Hospital’s provision of vital PPE during this pandemic.

ENROLLED ORIGINAL

(f) Without Council approval, Safe Life Defense LLC cannot be paid for goods provided and to be provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHCMM-20-P Modifications between Not-for-Profit Hospital Corporation and Safe Life Defense LLC Approval and Payment Authorization Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-20-P Modifications between the Not-for-Profit Hospital Corporation and Stryker Sales Corp to provide medical beds to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic, and to authorize payment for the goods received and to be received under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-20-P Modifications between Not-for-Profit Hospital Corporation and Stryker Sales Corp Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-20-P Modifications (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Stryker Sales Corp (“Stryker”) to provide medical beds to the Hospital during the COVID-19 pandemic and to authorize payment for the goods received and to be received under this Contract.

(b) On March 11, 2020, the Mayor issued the first COVID-19-related emergency and public health emergency orders. The Hospital’s participation in the Mayor’s Surge Task Force led to the realization that additional medical beds would be needed during the surge to allow the Hospital to deliver healthcare services to additional patients.

(c) To meet the District’s surge response requirements, medical beds were procured from Stryker through the initial purchase order for \$53,250, effective April 7, 2020, and Modification 1 for \$2,892,645, effective April 21, 2020, for a total Contract value of \$2,945,895. The Hospital elected to purchase a smaller quantity of goods and supplies initially to ensure that the vendor could produce high-quality goods in a timely manner before purchasing additional goods and supplies from the vendor through a subsequent purchase order.

(d) Council approval of the Contract is necessary because it has an aggregate value that exceeds \$1 million in a 12-month period.

(e) Emergency approval of this Contract in the amount of \$2,945,895 is necessary to prevent any impact to the Hospital’s provision of vital medical beds during this pandemic.

ENROLLED ORIGINAL

(f) Without Council approval, Stryker cannot be paid for goods provided and to be provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHC-20-P Modifications between Not-for-Profit Hospital Corporation and Stryker Sales Corp Approval and Payment Authorization Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 between the Department of General Services and Keystone Plus Construction Corporation, and to authorize payment for design-build services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 with Keystone Plus Construction Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 (“Contract”) between the Department of General Services (“Department”) and Keystone Plus Construction Corporation (“Contractor”) to increase the aggregate Contract amount by \$8,147,295.89, from \$5,500,000 to \$13,647,295.89, and to authorize payment to the Contractor for design-build services received and to be received under the Contract to complete the construction of the new Eastern Market Metro Market Park.

(b) On January 17, 2019, the Department executed Modification No. 1 in the amount of \$0, and on March 12, 2019, the Department executed Modification No. 2 in the amount of \$0. On April 15, 2020, the Department executed Modification No. 3 in the amount of \$900,559.67, increasing the previously approved Contract not-to-exceed amount (“NTE”) and establishing the Guaranteed Maximum Price (“GMP”) for Phase I in the amount of \$6,400,559.67. The amount of Modification No. 3 was less than \$1 million; thus, the Council’s approval was not required. Proposed Modification No. 4, in the amount of \$7,246,736.22, would establish the GMP for Phase II. The aggregate amount of Modification No. 3 and proposed Modification No. 4 would increase the Contract’s GMP and NTE by \$8,147,295.89, from \$6,400,559.67 to \$13,647,295.89.

(c) Proposed Modification No. 4 would cause the aggregate value of the Contract and all modifications issued after Council’s last approval to exceed \$1 million; thus, Council approval is now required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02),

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 with Keystone Plus Construction Corporation Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-20-AE-0007 between the Department of General Services and DLR Group of DC, P.C., and to authorize payment to DLR Group of DC, P.C. for architectural and engineering services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCAM-20-AE-0007 with DLR Group of DC, P.C. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-20-AE-0007 (“Contract”) between the Department of General Services (“Department”) and DLR Group of DC, P.C. (“Contractor”) and to authorize payment in the total amount of \$2,784,300 for services received and to be received under the Contract to complete the renovation of Smothers Elementary School.

(b) On May 29, 2020, the Department executed a Letter Contract in the amount of \$274,930, which authorized the Contractor to advance the design and obtain the necessary permits. On July 27, 2020, Modification No.1 to the Letter Contract increased the not-to-exceed amount to \$999,990. The value of the Letter Contract was less than \$1 million; thus, it did not require Council approval. The proposed Contract would establish the Contract’s final value in the amount of \$2,784,300 and thus increase the amount of the Contract by \$2,136,003, from \$999,990 to \$2,784,300.

(c) The amount of the proposed Contract is in excess of \$1 million during a 12-month period; therefore, Council approval is now required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) In addition, Council approval of the proposed Contract is necessary to authorize the continuation of architectural and engineering services for the renovation of Smothers Elementary School and to compensate the Contractor for services provided and to be provided under the proposed Contract.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-20-AE-0007 with DLR Group of DC, P.C. Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to clarify the guidelines pertaining to tax revenue from games of skill and that the revenue may be disclosed by the Office of the Chief Financial Officer to the public, the deadlines for which manufacturers, distributors, that retailers of game of skill machines must come into compliance with District law, the qualifications for game of skill machine distributors, and the licensing process for new models or types of games of skill machines.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Revised Game of Skill Machines Consumer Protections Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The Council passed the Games of Skill Consumer Protection Emergency Amendment Act of 2020, effective February 27, 2020 (D.C. Act 23-229; 67 DCR 2503) (emergency act”), to legalize a new category of gaming devices for operation by on-premises alcohol retailers. Under the emergency act, the Alcoholic Beverage Control Board would authorize a licensed establishment to host a game of skill.

(b) On July 28, 2020, the Council passed the Game of Skill Machines Consumer Protect Emergency Amendment Act of 2020, enacted on August 19, 2020 (D.C. Act 23-404; 67 DCR 10098) (“BSA measure”), which among other things, legalized game of skill machines on an emergency basis, effective October 1, 2020.

(c) The BSA measure established a more comprehensive games of skill regulatory structure to be managed by the Office of Lottery and Gaming (“OLG”) and authorized OLG to issue rules to regulate games of skill, prohibit, suspend, or revoke any license of a licensee, and directed that license fees to be deposited into the Lottery, Gambling, and Gaming Fund.

(d) The current emergency legislation clarifies enforcement procedures, definitions, taxes and revenue, and applicability dates. The BSA measure established a 10% tax for the games of skill machines; however, it was unclear who was responsible for paying the tax to the District. Clarifying this is imperative, particularly in light of the dire financial impact the Coronavirus pandemic has had on District revenue. Similarly, the BSA measure did not address whether the

ENROLLED ORIGINAL

Office of the Chief Financial Officer, the administrator of the program, would be permitted to disclose the revenue that it receives. For FOIA and reporting purposes, clarification is necessary.

(e) Furthermore, the BSA measure created a supplier's license and established guidelines pertaining to this license. The more appropriate type of license has been determined to be a distributor's license, which comports with industry standards. To ensure that the proper licenses are issued and in accordance with industry standards, immediate clarification is warranted.

(f) These necessary modifications need to be enacted as expeditiously as possible for games of skill to be appropriately and timely regulated.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Revised Game of Skill Machines Consumer Protections Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

B23-0976 Sidewalk Vending Zones Amendment Act of 2020

Intro. 10-15-2020 by Councilmembers Nadeau, Silverman, and R. White and referred to the Committee of the Whole

B23-0977 Corporate Governance Accreditation Act of 2020

Intro. 10-15-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-0995 Construction Codes Flood Hazard Amendment Approval Resolution of 2020

Intro. 10-15-2020 by Chairman Mendelson and referred to the Committee of the Whole

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

ANNOUNCE A PUBLIC HEARING

on

Monday, November 9, 2020, 9:00 AM

**Virtual Hearing via WebEx
To Watch Live**

Broadcast on D.C. Cable Channel 13 or online at <https://dccouncil.us/council-videos/>

on

B23-0873 – “Rent Stabilization Program Reform and Expansion Amendment Act of 2020”

&

B23-0972 – “Hardship Petition Reform Amendment Act of 2020”

On Monday, November 9, 2020, Councilmember Anita Bonds, Chairperson of the Committee on Housing and Neighborhood Revitalization will hold a Public Hearing on B23-0873, the “Rent Stabilization Program Reform and expansion Amendment Act of 2020” and B23-0972 – “Hardship Petition Reform Amendment Act of 2020.” The hearing will be take place via WebEx.

B23-0873 would clarify the definitions of rent surcharge and various definitions associated with hardship, limit the exemption for newly-constructed rental units to those built in the prior 15 years, limit the exemption for small housing providers to those who own three or fewer rental units, amend references to rent adjustments and to rent surcharges, and eliminate any rent adjustment based on a rental unit vacancy. B23-0873 also clarifies that a proposed capital improvement must be depreciable under Internal Revenue Service standards, changes the formula for a hardship petition to ensure a housing provider recovers a minimum profit rate based on the current yield rate for 10-year U.S. Treasury notes, changes hardship rent adjustments to rent surcharges reviewable after a three-year period, caps hardship rent surcharges at 5% per year, and adds required qualifications for auditors of hardship petitions. B23-0873 eliminates any rent adjustments based on a voluntary agreement, changes substantial rehabilitation rent adjustments

to rent surcharges, clarifies that a proposed substantial rehabilitation must be depreciable under Internal Revenue Service standards, clarifies that the cost of a proposed substantial rehabilitation must be recoverable over the useful life of the proposed improvement under Internal Service standards, and clarifies the ability to enforce orders approving petitions or voluntary agreements through the petition process. Finally, B23-0873 requires that a housing provider seeking a rent surcharge or rent adjustment by petition must establish compliance with District housing regulations, requires that a housing provider seeking a rent surcharge or rent adjustment by petition to have established and maintained a replacement reserve account for at least 3 years, and requires a housing provider seeking rent surcharge or rent adjustment by petition to provide accounting and other records as part of the petition review process.

B23-0972 would amend the Rental Housing Act of 1985 to clarify various definitions associated with hardship petitions. B23-0972 would also reform the formula for a hardship petition, place caps on annual hardship petition increases at 5 percent, and authorize the Rental Housing Commission to determine annual guaranteed profit margin applicable to rent surcharges authorized by a hardship petition. B23-0972 also changes and implements the time in which the Rental Administrator has to review and issue a decision on a hardship petitions, establishes other deadlines and timeframes as it relates to hardship petitions, and places restrictions and further clarifications on hardship petitions. B23-0972 establishes requirements for the Office of Administrative Hearings in relation to hardship petitions and permits the Office of the Attorney General to intervene in proceedings involving petitions, among other things.

Persons who wish to testify are requested to either email the Committee at housing@dccouncil.us or telephone the Committee at (202)724-8198, at least two days before the hearing and provide their name, address, telephone number, email address, organizational affiliation and title. Each witness will receive an individual WebEx invitation for the hearing in a separate e-mail. Witnesses are encouraged to submit an electronic version of their testimony to housing@dccouncil.us. Oral testimony will be limited to 3 minutes.

All Councilmembers will receive an individual WebEx invitation for the hearing in a separate email. If a Councilmember does not have a separate link for each, please contact Sam Stephens at sstephens@dccouncil.us.

The hearing can also be viewed at www.dccouncil.us and www.entertainment.dc.gov.

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

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004 or by email at housing@dccouncil.us. The record will close at 5:00 p.m. on Monday, November 23, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT
ROBERT C. WHITE, JR., CHAIR

NOTICE OF PUBLIC HEARING

on

**B23-0923, the “Helping Children Impacted by Parental Incarceration
Amendment Act of 2020”**

Monday, November 9, 2020, 4:00 PM

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

On Monday, November 9, 2020, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement will hold a Public Hearing on B23-0923, the “Helping Children Impacted by Parental Incarceration Amendment Act of 2020”. The public hearing will take place via the Zoom web conferencing platform at 4:00 PM. Members of the public will be able to view the public roundtable on cable television on Council Channel 13 or online at: <https://dccouncil.us/council-videos/> or at: entertainment.dc.gov.

B23-0923, the “Helping Children Impacted by Parental Incarceration Amendment Act of 2020” was introduced on September 24, 2020, by Councilmembers Robert C. White, Jr., Elissa Silverman, Anita Bonds, Charles Allen, Trayon White, Sr., Mary M. Cheh, Brianne Nadeau, and Chairman Phil Mendelson. The legislation was referred to the Committee on Facilities and Procurement on October 6, 2020. The stated purpose of the legislation is to require the Office on Returning Citizen Affairs to assess the needs of children in the District of Columbia whose parents are incarcerated.

The Committee invites the public to testify remotely or to submit written testimony. Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at facilities@dccouncil.us or by phone at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **the close of business on Friday, November 6, 2020**. Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to facilities@dccouncil.us. Public witnesses will participate remotely and using audio only. The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.

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

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee on Facilities and Procurement of the need

as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted by e-mail to facilities@dccouncil.us. **The record for this public hearing will close at the close of business on Friday, November 13, 2020.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE –Public Hearing**

John A. Wilson Building

1350 Pennsylvania Avenue, NW, Suite 117

Washington, DC 20004

**COUNCILMEMBER BRANDON T. TODD
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

**B23-970 - Creating a Respectful and Open World for Natural Hair (CROWN) Act of
2020**

Wednesday, November 18, 2020, 2:00 PM

Virtual hearing via Zoom

Broadcast on DC Cable Channel 13 and online at www.dccouncil.us

Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, announces a public hearing on **B23-970, the Creating a Respectful and Open World for Natural Hair (CROWN) Act of 2020**. The hearing will be held on Wednesday, November 18, 2020, at 2:00 p.m., via Zoom.

B23-970 amend the Human Rights Act of 1977 to prohibit discrimination based on hair styles necessitated, or resulting from, the immutable characteristics of a hair texture associated with race, including braids, cornrows, locks, afros, curls, twists, and knots.

Persons wishing to provide oral testimony should contact Dolly Turner, Deputy Chief of Staff, by e-mail at dturner@dccouncil.us by before 2:00 p.m. on Monday, November 16, 2020. When sending an e-mail or leaving a voicemail, please provide Ms. Turner 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 specific bill/s you will be testifying about.

Ms. Turner will e-mail a confirmation of your attendance with an agenda, witness list, and attached instructions for accessing the Zoom video conference hearing by 5:00 p.m. on November 17, 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 six hours of the hearing will be broadcasted, however, the Zoom 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 Dolly Turner, Deputy Chief of Staff, at dturner@dccouncil.us before 5:00 p.m. on Wednesday, November 25, 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 email. The Committee also welcomes 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.

For accommodation requests, including spoken language or sign language interpretation, please inform the Committee of the need as soon as possible but no later than five (5) business days before the proceeding. The Council will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

If you have any questions, please contact Manuel Geraldo, Committee Director, by either email or phone. mgeraldo@dccouncil.us or (202) 724-8035

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HUMAN SERVICES
NOTICE OF A PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
ANNOUNCES A PUBLIC ROUNDTABLE ON**

**The response to the COVID-19 public health emergency by the agencies
under the purview of the Committee on Human Services**

**Wednesday, November 4, 2020, at 12:00 p.m. &
Friday, November 6, 2020, at 10:00 a.m**

**Roundtable via Video Conference
Broadcast live on DC Council Channel 13
Streamed live at www.dccouncil.us and entertainment.dc.gov**

Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, announces a public roundtable on the response to the COVID-19 public health emergency by the agencies under the purview of the Committee on Human Services.

The roundtable will begin at 12:00 p.m. on Wednesday November 4, 2020, via video conference, and will include testimony by all public witnesses as well as testimony from the Department of Disability Services and the Office of Disability Rights. The roundtable will recess no later than 6:00 p.m. on the same day.

The roundtable will reconvene at 10:00 a.m. on Friday, November 6, 2020, via video conference. On November 6, the Committee will hear testimony from the Department of Human Services, the Interagency Council on Homelessness, and the Child and Family Services Agency. The roundtable will recess no later than 3:00 p.m. on the same day.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at humanservices@dccouncil.us or at (202) 724-8101, and provide their name, telephone number, organizational affiliation, title (if any), and any requests for accommodations by **close of business Friday, October 30, 2020.**

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Human Services Committee office of the need as soon as possible but **no later than five (5) business days before the**

proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to submit a copy of their testimony electronically to humanservices@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at humanservices@dccouncil.us. **The record will close at the end of the business day on November 18, 2020.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

on

Return to In-person Instruction in DC Public Schools

On

Friday, October 23, 2020 at 3:00 p.m.
Live via Zoom Video Conference Broadcast
Council Channel 13 (Cable Television Providers)
DC Council Website (www.dccouncil.us)
Office of Cable Television Website (entertainment.dc.gov)

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint roundtable of the Committee of the Whole and the Committee on Education on the Return to In-person Instruction in the District of Columbia Public Schools (DCPS). The roundtable will be held on **Friday, October 23, 2020 at 3:00 p.m.** Live via Zoom Video Conference Broadcast.

The purpose of this roundtable is to hear from DCPS on its plan to return to in-person instruction in a safe manner. DCPS schools plan to welcome students back to in-person learning for Term 2 beginning November 9, and are planning for, at most, 21,000 students to be in DCPS facilities receiving live instruction from teachers or supervision over virtual learning work. The Committees intend to receive additional details from DCPS leadership on instructional practices during in-person learning, capacity of DCPS staff to support all students in person and virtually, and how school facilities will be prepared to safely accept students, staffing capacity among other topics. The format will be primarily question-and-answer between Councilmembers and DCPS leadership.

While this roundtable is limited to oral testimony from government witnesses, written statements from the public will be made a part of the official record. Copies of written statements should be submitted by email to Ashley Strange, astrange@dccouncil.us. The record will close at 5pm on Friday, November 6, 2020. Persons submitting written statements for the record should observe this deadline.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-979, CleanEnergy DC Omnibus Technical Amendment Temporary Amendment Act of 2020, **B23-982**, Common Interest Community Virtual Meeting Temporary Amendment Act of 2020, and **B23-984**, Unemployment Benefits Extension Temporary Act of 2020 adopted on first reading on October 20, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on November 10, 2020.

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

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

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

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

GBM 23-105

FY 2020 Grant Budget Modifications as of September 23, 2020

RECEIVED: 2-day review begins October 14, 2020

GBM 23-106

FY 2020 Grant Budget Modifications as of September 28, 2020

RECEIVED: 2-day review begins October 14, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 23, 2020
Protest Petition Deadline: December 28, 2020
Roll Call Hearing Date: January 11, 2021
Protest Hearing Date: March 24, 2021

License No.: ABRA-117331
Licensee: Square 656 Owner, LLC
Trade Name: Cambria Hotel Washington DC Capitol Riverfront
License Class: Retailer's Class "B" (25%)
Address: 69 Q Street, S.W.
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 6

ANC 6D

SMD 6D06

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 January 11, 2021 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 March 24, 2021 at 4:30 p.m.

NATURE OF OPERATION

Applicant is applying for a new Retailer's Class B (25%) beer and wine store located entirely inside of a hotel. This location will have no street access.

HOURS OF OPERATION

Sunday through Saturday 12am - 12 am (24-Hour Operations)

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 6am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/23/2020

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-019616

License Class/Type: B / Retail - Grocery

Applicant: Ng Shu Kwan

Trade Name: Chinatown Market

ANC: 2C01

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

521 H ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/28/2020

A HEARING WILL BE HELD ON:
**1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 9 pm	11 am - 9 pm
Monday:	9 am - 9 pm	11 am - 9 pm
Tuesday:	9 am - 9 pm	11 am - 9 pm
Wednesday:	9 am - 9 pm	11 am - 9 pm
Thursday:	9 am - 9 pm	11 am - 9 pm
Friday:	9 am - 9 pm	11 am - 9 pm
Saturday:	9 am - 9 pm	11 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/2/2020

****RESCIND**

Notice is hereby given that:

License Number: ABRA-019616

License Class/Type: B / Retail - Grocery

Applicant: Ng Shu Kwan

Trade Name: Chinatown Market

ANC: 2C01

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

521 H ST NW

**PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/7/2020

**A HEARING WILL BE HELD ON:
12/21/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 9 pm	11 am - 9 pm
Monday:	9 am - 9 pm	11 am - 9 pm
Tuesday:	9 am - 9 pm	11 am - 9 pm
Wednesday:	9 am - 9 pm	11 am - 9 pm
Thursday:	9 am - 9 pm	11 am - 9 pm
Friday:	9 am - 9 pm	11 am - 9 pm
Saturday:	9 am - 9 pm	11 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-076139 License Class/Type: B / Retail-Full Service Grocery

Applicant: Whole Foods Market Group, Inc.

Trade Name: Whole Foods Market

ANC: 3E01

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

4530 40TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 9:30 pm	7 am - 9:30 pm
Monday:	7 am - 10:30 pm	7 am - 10:30 pm
Tuesday:	7 am - 10:30 pm	7 am - 10:30 pm
Wednesday:	7 am - 10:30 pm	7 am - 10:30 pm
Thursday:	7 am - 10:30 pm	7 am - 10:30 pm
Friday:	7 am - 10:30 pm	7 am - 10:30 pm
Saturday:	7 am - 10:30 pm	7 am - 10:30 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-077168

License Class/Type: B / Retail - Grocery

Applicant: DSAY Corporation

Trade Name: Adams Market

ANC: 6C05

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

700 F ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:30 am - 9 pm	10 am - 9 pm
Monday:	7:30 am - 9 pm	9 am - 9 pm
Tuesday:	7:30 am - 9 pm	9 am - 9 pm
Wednesday:	7:30 am - 9 pm	9 am - 9 pm
Thursday:	7:30 am - 9 pm	9 am - 9 pm
Friday:	7:30 am - 9 pm	9 am - 9 pm
Saturday:	7:30 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-060306

License Class/Type: B / Retail - Grocery

Applicant: J. J. Sun Corporation

Trade Name: Sun's Gallery

ANC: 6D01

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

600 MARYLAND AVE SW

**PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020**

**A HEARING WILL BE HELD ON:
1/11/2021**

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	closed - closed	closed - closed
Monday:	6 am - 6 pm	9 am - 6 pm
Tuesday:	6 am - 6 pm	9 am - 6 pm
Wednesday:	6 am - 6 pm	9 am - 6 pm
Thursday:	6 am - 6 pm	9 am - 6 pm
Friday:	6 am - 6 pm	9 am - 6 pm
Saturday:	closed -	closed - closed

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-060167 License Class/Type: B / Retail-Full Service Grocery

Applicant: Whole Foods Market Group Inc
Trade Name: Fresh Fields Whole Foods Market
ANC: 2F02

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

1440 P ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-016999

License Class/Type: B / Retail - Grocery

Applicant: Nicholas & Alexis Inc.

Trade Name: Glover Park Market

ANC: 3B02

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

2411 37TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12 pm - 10 pm	12 pm - 10 pm
Monday:	12 pm - 10 pm	12 pm - 10 pm
Tuesday:	12 pm - 10 pm	12 pm - 10 pm
Wednesday:	12 pm - 10 pm	12 pm - 10 pm
Thursday:	12 pm - 10 pm	12 pm - 10 pm
Friday:	12 pm - 12 am	12 pm - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-086916 License Class/Type: B / Retail-Full Service Grocery

Applicant: Whole Foods Market Group Inc

Trade Name: Whole Foods Market

ANC: 2A07

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

2201 I ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-097721

License Class/Type: B / Retail - Class B

Applicant: LeDroit Market, Inc.

Trade Name: Ledroit Market

ANC: 1B01

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

1901 4TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 12 am	9 am - 12 am
Monday:	6 am - 12 am	9 am - 12 am
Tuesday:	6 am - 12 am	9 am - 12 am
Wednesday:	6 am - 12 am	9 am - 12 am
Thursday:	6 am - 12 am	9 am - 12 am
Friday:	6 am - 12 am	9 am - 12 am
Saturday:	6 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-097960

License Class/Type: B / Retail - Grocery

Applicant: SMJ & Metro Inc.

Trade Name: Metro Supermarket

ANC: 2B02

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

2130 P ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am - 8 pm
Monday:	8 am - 10 pm	8 am - 10 pm
Tuesday:	8 am - 10 pm	8 am - 10 pm
Wednesday:	8 am - 10 pm	8 am - 10 pm
Thursday:	8 am - 10 pm	8 am - 10 pm
Friday:	8 am - 10 pm	8 am - 10 pm
Saturday:	8 am - 10 pm	8 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-104505 License Class/Type: B / Retail-Full Service Grocery

Applicant: Whole Foods Market Group, Inc.

Trade Name: Whole Foods Market

ANC: 6C05

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

600 H ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11:30 pm	7 am - 11:30 pm
Monday:	7 am - 11:30 pm	7 am - 11:30 pm
Tuesday:	7 am - 11:30 pm	7 am - 11:30 pm
Wednesday:	7 am - 11:30 pm	7 am - 11:30 pm
Thursday:	7 am - 11:30 pm	7 am - 11:30 pm
Friday:	7 am - 11:30 pm	7 am - 11:30 pm
Saturday:	7 am - 11:30 pm	7 am - 11:30 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-105727

License Class/Type: B / Retail - Class B

Applicant: BK, Inc.

Trade Name: Hi Market

ANC: 1B07

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

2655 15th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9am - 9pm	10am - 9pm
Monday:	9am - 9pm	9am - 9pm
Tuesday:	9am - 9pm	9am - 9pm
Wednesday:	9am - 9pm	9am - 9pm
Thursday:	9am - 9pm	9am - 9pm
Friday:	9am - 9pm	9am - 9pm
Saturday:	9am - 9pm	9am - 9pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-106366 License Class/Type: B / Retail-Full Service Grocery

Applicant: Salumeria 2703, LLC

Trade Name: Salumeria 2703

ANC: 5B04

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

2703 12th ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 9 pm	10 am - 9 pm
Monday:	10 am - 9 pm	10 am - 9 pm
Tuesday:	10 am - 9 pm	10 am - 9 pm
Wednesday:	10 am - 9 pm	10 am - 9 pm
Thursday:	10 am - 9 pm	10 am - 9 pm
Friday:	10 am - 9 pm	10 am - 9 pm
Saturday:	10 am - 9 pm	10 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-107228

License Class/Type: B / Retail - Grocery

Applicant: TSEDAL, LLC

Trade Name: Fabulous Market

ANC: 2A03

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

2424 PENNSYLVANIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	9 am - 10 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	7 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-109870 License Class/Type: B / Retail-Full Service Grocery

Applicant: Whole Foods Market Group, Inc.

Trade Name: Whole Foods Market Group

ANC: 6D07

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

101 H ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/23/2020

Notice is hereby given that:

License Number: ABRA-115987 License Class/Type: B / Retail-Full Service Grocery

Applicant: Whole Foods Market Group, Inc.

Trade Name: Whole Foods Market

ANC: 1B11

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

967 Florida AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
12/28/2020

A HEARING WILL BE HELD ON:
1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 23, 2020
Protest Petition Deadline: December 28, 2020
Roll Call Hearing Date: January 11, 2021
Protest Hearing Date: March 24, 2021

License No.: ABRA-117278
Licensee: H St Liquors LLC
Trade Name: H Street Beverage Warehouse
License Class: Retailer's Class "A" Liquor Store
Address: 1431-1433 H Street, N.E.
Contact: Matthew Minora, Esq.: (202) 625-7700

WARD 6

ANC 6A

SMD 6A06

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 January 11, 2021 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 March 24, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class "A" Liquor Store. Licensee is requesting a Tasting Permit Endorsement.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 6am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/23/2020

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-097703 License Class/Type: B Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 5D05

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

1601 MARYLAND AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/28/2020

A HEARING WILL BE HELD ON:
**1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	**Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 9 pm
Monday:	5 am - 12 am	9 am - 9 pm
Tuesday:	5 am - 12 am	9 am - 9 pm
Wednesday:	5 am - 12 am	9 am - 9 pm
Thursday:	5 am - 12 am	9 am - 9 pm
Friday:	5 am - 12 am	9 am - 9 pm
Saturday:	5 am - 12 am	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/2/2020

****RESCIND**

Notice is hereby given that:

License Number: ABRA-097703

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 5D05

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

1601 MARYLAND AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/7/2020

A HEARING WILL BE HELD ON:
**12/21/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	**Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 12 am	9 am - 9 pm
Monday:	6 am - 12 am	9 am - 9 pm
Tuesday:	6 am - 12 am	9 am - 9 pm
Wednesday:	6 am - 12 am	9 am - 9 pm
Thursday:	6 am - 12 am	9 am - 9 pm
Friday:	6 am - 12 am	9 am - 9 pm
Saturday:	6 am - 12 am	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/23/2020

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-097706 License Class/Type: B Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 6E05

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

490 L ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/28/2020

A HEARING WILL BE HELD ON:
**1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	**Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7 am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7 am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/2/2020

****RESCIND**

Notice is hereby given that:

License Number: ABRA-097706

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 6E05

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

490 L ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/7/2020

A HEARING WILL BE HELD ON:
**12/21/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	**Hours of Operation	Hours of Sales/Service
Sunday:	24 hrs - 24 hrs	7 am - 12 am
Monday:	24 hrs - 24 hrs	7 am - 12 am
Tuesday:	24 hrs - 24 hrs	7 am - 12 am
Wednesday:	24 hrs - 24 hrs	7 am - 12 am
Thursday:	24 hrs - 24 hrs	7 am - 12 am
Friday:	24 hrs - 24 hrs	7 am - 12 am
Saturday:	24 hrs - 24 hrs	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/23/2020

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-097700 License Class/Type: B Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 7F01

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

322 40TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/28/2020

A HEARING WILL BE HELD ON:
**1/11/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	**Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	9 am - 10 pm
Monday:	5 am - 12 am	9 am - 10 pm
Tuesday:	5 am - 12 am	9 am - 10 pm
Wednesday:	5 am - 12 am	9 am - 10 pm
Thursday:	5 am - 12 am	9 am - 10 pm
Friday:	5 am - 12 am	9 am - 10 pm
Saturday:	5 am - 12 am	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
**10/2/2020

****RESCIND**

Notice is hereby given that:

License Number: ABRA-097700

License Class/Type: B / Retail - Grocery

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 7F01

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

322 40TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
**12/7/2020

A HEARING WILL BE HELD ON:
**12/21/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	**Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 10 pm	9 am - 10 pm
Monday:	6 am - 11 pm	9 am - 10 pm
Tuesday:	6 am - 11 pm	9 am - 10 pm
Wednesday:	6 am - 11 pm	9 am - 10 pm
Thursday:	6 am - 11 pm	9 am - 10 pm
Friday:	6 am - 11 pm	9 am - 10 pm
Saturday:	6 am - 11 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 23, 2020
Protest Petition Deadline: December 28, 2020
Roll Call Hearing Date: January 11, 2021
Protest Hearing Date: March 24, 2021

License No.: ABRA-116873
Licensee: Amazon Retail, LLC
Trade Name: TBD
License Class: Retailer's Class "B" Full-Service Grocery
Address: 801 H Street, N.E.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 6

ANC 6A

SMD 6A01

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 January 11, 2021 at 11 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 March 24, 2020 at 1:30 p.m.

NATURE OF OPERATION

A market that will serve hot and cold meals, which includes salads, sandwiches, pizza, sushi, baked goods, and non-alcoholic beverages. The market is requesting a Tasting Permit.

HOURS OF OPERATION

Sunday through Saturday 7am - 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 23, 2020
Protest Petition Deadline: December 28, 2020
Roll Call Hearing Date: January 11, 2021
Protest Hearing Date: March 24, 2021

License No.: ABRA-117244
Licensee: TBD Wines L.L.C.
Trade Name: TBD Wines L.L.C.
License Class: Retailer's Class "B" Internet
Address: 4221 Connecticut Avenue, N.W.
Contact: Chani Wiggins: (202) 236-7750

WARD 3

ANC 3F

SMD 3F02

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 January 11, 2021 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 March 24, 2021 at 1:30 p.m.

NATURE OF OPERATION

New Class "B" Internet Retailer selling beer and wine online only for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION

Sunday through Saturday 7am - 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 11am - 7pm

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, NOVEMBER 18, 2020
VIRTUAL HEARING via WebEx**

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

TIME: 9:30 A.M.

WARD FIVE

19466A **Application of Beresford Davis**, pursuant to 11 DCMR Subtitle Y §
ANC 5D 704, for a modification of significance of BZA Order No.19466, for
relief under Subtitle A § 304.13, from the modification requirements of
Subtitle A § 304.10(e), to increase building height to a third story, for a
previously approved three-unit apartment house in the RF-1 Zone at
premises 1215 Holbrook Terrace, N.E. (Square 4057, Lot 195).

WARD FOUR

20313 **Application of FHD, LLC**, pursuant to 11 DCMR Subtitle X, Chapter
ANC 4C 9, for a special exception under the RA-use requirements of Subtitle U
§ 421.1, to construct a three-story rear addition and convert the semi-
detached principal dwelling unit into of a 5-unit apartment building in
the RA-1 Zone at premises 4310 2nd Street N.W. (Square 3318, Lot
811).

WARD FOUR

20314 **Application of George Thanos**, pursuant to 11 DCMR Subtitle X,
ANC 4C Chapter 9 for a special exception under Subtitle G § 409.1 from the
rear yard requirements of Subtitle G § 405.1, and pursuant to Subtitle
X, Chapter 10, for variances from the FAR requirements of Subtitle G
§ 402.1, the lot occupancy requirements of Subtitle G § 404.1, and the
GAR requirements of Subtitle G § 407.1, to construct a principal
detached dwelling unit on a vacant lot in the MU-3A at premises 4331
14th Street N.W. (Square 2819S, Lot 1).

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WARD SIX

20315
ANC 6C

Application of Scott Cooper, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and under the accessory building use requirements of Subtitle U § 301.1(e), and pursuant to Subtitle X, Chapter 10, for a use variance from the use provisions of Subtitle U § 301.1(c)(4), to construct a one-story accessory dwelling unit in the RF-3 Zone at premises 14 5th Street, N.E. (Square 816, Lot 839).

WARD ONE

20316
ANC 1A

Application of Scott B. Jacobs, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the accessory building rear yard setback requirements of Subtitle E § 5004.1, and from the accessory building GAR limitations of Subtitle E § 5004.2, and under the RF use requirements of Subtitle U § 301.1(e), to construct an accessory dwelling unit in the rear of the attached principal dwelling unit in the RF-1 Zone at premises 3578 13th Street N.W. (Square 2834, Lot 95).

WARD SIX

20317
ANC 6E

Application of Julia Shepherd, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle F § 5201 from lot dimension requirements of Subtitle E § 201.1, and from the lot occupancy requirements of Subtitle E § 304.1, and under Subtitle C § 703 from the minimum parking number requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for a variance from the height requirements of Subtitle E § 5002.1, to construct a new 3-story attached principal dwelling unit and an accessory dwelling unit in the rear in the RF-1 Zone at premises 454 Ridge Street N.W. (Square 513, Lot 926).

WARD TWO

20319
ANC 2B

Application of Foundation to Support Animal Protection, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the lodging use requirements of Subtitle U § 504.1(f), to renovate the interior of the building to accommodate space for 10 guests in the existing office building in the MU-15 Zone at premises 1536 16th Street N.W. (Square 180, Lot 42).

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WARD SEVEN

20320 **Application of 5900 Foote, LLC**, pursuant to 11 DCMR Subtitle X,
ANC 7C Chapter 9, for a special exception under the use restrictions of Subtitle
 U § 421.1, to construct a new 16-unit apartment house in the RA-1
 Zone at premises 5900 Foote Street N.E. (Square 5256, Lot 805).

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?

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

Do you need assistance to participate?

Amharic

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

Chinese

BZA PUBLIC HEARING NOTICE

NOVEMBER 18, 2020

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French

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Korean

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

Spanish

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Vietnamese

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

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

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

FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, DECEMBER 2, 2020
VIRTUAL HEARING via WebEx**

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

TIME: 9:30 A.M.

WARD FOUR

20321
ANC 4C **Application of 700 Randolph St NW LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and under Subtitle E § 5007.1 from the accessory building rear yard setback requirements of Subtitle E § 5004.1, and from the accessory building gross floor area limitations of Subtitle E § 5004.2(b), to construct a residential second-story addition to an accessory structure in the rear yard of an existing, semi-detached principal dwelling unit in the RF-1 Zone at premises 700 Randolph Street N.W. (Square 3131, Lot 20).

WARD ONE

20322
ANC 1A **Application of 503 Park Road NW LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential conversion requirements of Subtitle U § 320.2, and under Subtitle C § 703.2, from the minimum parking requirement of Subtitle C § 701.5, to convert a principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 503 Park Road, N.W. (Square 3037, Lot 85).

WARD SIX

20323
ANC 6A **Application of The District of Columbia Department of General Services**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the off-site parking spaces requirements of Subtitle C § 701.8 (f), to relocate 8 of the required parking spaces to the adjacent street to enlarge the outdoor play area at Maury Elementary School in the RF-1 Zone at premises 1250 Constitution Avenue, N.E. (Square 1010, Lot 147).

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WARD ONE

20324 **Appeal of ANC 1A**, pursuant to 11 DCMR Subtitle Y § 302, from the
ANC 1A decision made on May 20, 2019 by the Zoning Administrator,
Department of Consumer and Regulatory Affairs, to issue the revision
B2008299 to the building permit B1901444, to permit the conversion
of a principal dwelling unit into a 2-unit condominium building in the
RF-1 Zone at premises 3600 Park Place, N.W. (Square 3035, Lot 52).

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.

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Do you need assistance to participate?

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Do you need assistance to participate?

Amharic

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

Chinese

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LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
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 PUBLIC HEARING**

TIME AND PLACE: **Thursday, January 21, 2021, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-13E (Office of Planning – Modifications and Clarifications to Penthouse and Rooftop Structure Regulations – Subtitles A-K, U, and X of Title 11 DCMR)

THIS CASE IS OF INTEREST TO ALL ANCS

The Office of Planning (“OP”) filed a report on January 16, 2020, that served as a petition to the Zoning Commission (the “Commission”) proposing the following amendments to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references are made unless otherwise specified) to modify, clarify, and reorganize the requirements for penthouses and rooftop structures as follows:

- Subtitle A: Authority and Applicability - §§ 301, 304²
- Subtitle B: Definitions, Rules of Measurement, and Use Categories - §§ 100, 306
- Subtitle C: General Rules - §§ 1001, 1006, 1500 through 1507
- Subtitle D: Residential House (R) Zones - §§ 204, 302, 303, 403, 503, 603, 703, 803, 903, 1003, 1203, 1303, 4904, 4905, 5002, 5102, 5205
- Subtitle E: Residential Flat (RF) Zones - §§ 202, 206, 303, 403, 503, 603, 4904, 4905, 5002, 5203, 5205
- Subtitle F: Residential Apartment (RA) Zones - §§ 101, 203, 204, 302, 303, 403, 503, 602, 603, 4904, 4905, 5004, 5102, 5205
- Subtitle G: Mixed-Use (MU) Zones - §§ 104, 203, 303, 403, 503, 504, 601, 603, 703, 803, 804, 903, 1102, 4903
- Subtitle H: Neighborhood Mixed Use (NC) Zones - §§ 103, 201, 203, 303, 403, 503, 603, 702, 803, 903, 4902
- Subtitle I: Downtown Zones - §§ 201, 214, 503, 510, 517, 525, 532, 540, 548, 556, 563, 577, 581, 618, 4902
- Subtitle J: Production, Distribution, and Repair (PDR) Zones - §§ 106, 203, 4902
- Subtitle K: Special Purpose Zones - §§ 200, 203, 215, 223, 231, 300, 305, 306, 403, 500-505, 601, 603, 611, 702, 803, 909, 918, 1000-1002, 4903, 4904
- Subtitle U: Use Permissions - §§ 100, 301, 320
- Subtitle X: General Procedures - § 303

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

² Many of the provisions proposed to be amended in this text amendment are proposed to be renumbered and/or revised by Z.C. Case No. 19-27/19-27A and will be updated when the Commission takes final action.

Setdown

At its January 27, 2020 public meeting, the Commission requested that OP provide details of the requests for relief from the current penthouse regulations and clarify the recommendations regarding access stairwells to decks and associated small storage areas on the roofs of single-household dwellings and flats.

OP responded to the Commission's requests in a supplemental setdown report dated February 14, 2020, that proposed additional modifications to the penthouse and rooftop structure regulations.

The Commission voted at its February 24, 2020 public meeting to set down the proposed text amendment as revised by OP's supplemental setdown report and 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 complete record in the case, including the OP Setdown and Supplemental Reports and transcript 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 TEXT AMENDMENT

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

I. Proposed Amendments to Subtitle A, AUTHORITY AND APPLICABILITY

Subsection 301.5 of § 301, BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended, to read as follows:

- 301.5 If an application for a type of building permit ...³
- (a) If one (1) of the building permit applications listed in Subtitle A § 301.6 ...
 - (1) Be accompanied by any fee that is required, and ...
 - (2) Be sufficiently complete to permit processing without changing ...
 - (A) Address the requirements of the Construction Codes ...
 - (B) Increase the extent to which the proposed structure ...

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

- (i) Reducing lot occupancy, gross floor area, building height, penthouse **or rooftop structure** height, the number of stories or number of units; or

...

Paragraph (f) of § 304.10 of § 304, DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR’S RULING, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended, to read as follows:

304.10 For building permits that are authorized by an order of the Board of Zoning Adjustment ...

- (a) Violate any condition ...

...

- (f) Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse **or rooftop structure** height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;

...

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

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended, to read as follows:

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

...

Antenna, Building-mounted: Any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the walls of, or integrated into, a building, church steeple, cooling tower, elevator bulkhead, parapet, penthouse **or rooftop structure**, fire tower, tank, water tower, or other similar structure.

...

Nonconforming Structure: A structure lawfully existing at the time this title or any amendment to this title became effective that does not conform to all provisions of this title or such amendment, other than use, parking, loading, and penthouse **or**

rooftop structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, setback, court, and residential recreation space requirements.

...

Organization, Non-Profit: An organization organized ...

Parapet: A vertical extension of a wall of a building above the roof.

Parking Area: The area of a lot ...

...

Penthouse: A structure **that has a roof and is partly to fully enclosed on all sides and is located** on or above the roof of any part of a building. ~~The term includes all structures previously regulated as "roof structures" prior to January 8, 2016 by § 411 of the 1958 Regulations. Skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, roof mounted antennas, and plumbing vent stacks shall not be considered as penthouses.~~

Penthouse Habitable Space: ~~An enclosed~~ **A** space within a penthouse devoted to any **residential or non-residential** use permitted in the zone, unless otherwise restricted, other than penthouse mechanical space. The term penthouse habitable space shall include, **but not be limited to, residential living space, communal recreation or amenity space, office, commercial, retail, service, eating or drinking establishment, or other commercial use,** and associated facilities such as storage, **hallways, stairwells,** kitchen space, change rooms, ~~or~~ **and** lavatories.

Penthouse Mechanical Space: ~~An enclosed~~ **A** space within a penthouse **not** devoted to **habitable space, including but not limited to** mechanical equipment for the building, elevator over-rides, or stair towers.

...

Story: The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing as measured in accordance with § 310 of this subtitle. For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, ~~or~~ penthouses, **or rooftop structures.**

Story, Top: The uppermost portion of any building or structure that is used for purposes other than penthouses **or rooftop structures.** The term "top story" shall exclude architectural embellishment, **penthouse, or rooftop structure.**

...

Structure: Anything constructed ...

Structure, Rooftop: An unenclosed or partly enclosed structure with no roof that is located on or above the roof of any part of a building, including but not limited to, unenclosed mechanical equipment, screening for mechanical equipment, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, roof mounted antennas, solar panels, skylights, roof hatches, trellises with beams with spacing of greater than 24 inches on center and unenclosed sides, trash chutes, plumbing vent stacks, rooftop platforms for swimming pools, roof decks, temporary enclosures, and guard rails.

Sustainability: To create and maintain conditions ...

...

Subsection 304.7 of § 304, RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA), of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended, to read as follows:

304.7 GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses **or rooftop structures** (unless otherwise specified); attic space (whether or not a floor has actually been laid, provided structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.

Section 306, HEIGHT, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by incorporating current Subtitle C §§ 1501.3 and 1501.5 as new §§ 306.5 and 306.6; and by adding new §§ 306.7 through 306.9 to clarify the measurement for rooftop structures and penthouse heights, roof membranes, green roofs, and roof hatches and skylights, to read as follows:

306.1 In addition to the height limitations ...

...

~~€-1501.3~~ **306.5** Architectural embellishments including, but not limited to, spires, towers, domes, minarets, and pinnacles may be erected to a greater height than any limit prescribed by these regulations or the Height Act, provided the architectural embellishment does not result in the appearance of a raised building height for more than thirty percent (30%) of each the wall on which the architectural embellishment is located.

~~€-1501.5~~ **306.6** A chimney, smokestack, or flagpole may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.

306.7 **Green roofs and their membranes shall not be included in the calculation of height.**

306.8 **The height of a penthouse or rooftop structure shall be as measured from the building roof upon which it sits to the top of the roof or parapet of the penthouse or rooftop structure, whichever is higher. Where the building roof is not a flat roof, the height of a penthouse or rooftop structure shall be measured from the midpoint of the base of the wall of the penthouse or rooftop structure at the lowest elevation to the highest point of the roof or parapet of the penthouse or rooftop structure.**

306.9 **Roof hatches and skylights shall be evaluated in a closed state for measuring height and setback requirements.**

Subsection 308.1 of § 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended, to read as follows:

308.1 The height of buildings, not including a penthouse **or rooftop structure**, in residential zones, as defined in Subtitle A § 101.9, shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

Subsection 310.2 of § 310, RULES OF MEASUREMENT FOR NUMBER OF STORIES, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended, to read as follows:

310.2 For the purposes of determining the maximum number of permitted stories, the term “story” shall not include cellars or penthouses **or rooftop structures**.

III. Proposed Amendments to Subtitle C, GENERAL RULES⁴

Subsections 1001.2, 1001.5, and 1001.6 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, are proposed to be amended, to read as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to ...

(a) A “Mandatory Inclusionary Development” – a development that meets ...

⁴ The Commission is considering text amendments to reorganize Subtitles C through H, K, and U in Z.C. Case Nos. 19-27 & 19-27A. The proposed text is based on the current text but will be adjusted to reflect any changes made by the Commission.

- (1) Is proposing new gross floor area beyond that existing at the time of the building permit application that would result in ten (10) or more new dwelling units located in a cellar or penthouse **or rooftop structure;**

...

- (3) Consists of a residential building that has penthouse habitable space pursuant to Subtitle C § ~~1500.11~~ **1507.2;** or

- (b) A “Voluntary Inclusionary Development” – any single household ...

...

1001.5 ~~Except for new penthouse habitable space as described in~~ **None of the requirements of this chapter except for** Subtitle C § ~~1500.11–1507,~~ **the requirements of this chapter shall not** apply to hotels, motels, ~~or inns,~~ **boarding houses, and single room occupancy projects within a single building.**

1001.6 The requirements of this chapter shall not apply to:

- (a) Any development subject to a mandatory ...
- (b) ~~Boarding houses,~~ Assisted living facilities, community residence facilities, youth residential care homes, substance abusers’ homes, **or** community based institutional facilities, ~~or single room occupancy projects within a single building;~~
- (c) Housing developed by or on behalf ...

...

Subsections 1003.1 and 1003.2 of § 1003, SET-ASIDE REQUIREMENTS, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1003.1 An Inclusionary Development which does not employ Type 1 construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units and which is located in a zone with a by-right height limit, exclusive of any bonus height, of fifty feet (50 ft.) or less shall set aside for Inclusionary Zoning the sum of the following:

- (a) The greater of ten percent (10%) ...
- (b) An area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § ~~1500.11~~ **1507.2.**

This set-aside requirement ...

1003.2 An Inclusionary Development which employs Type 1 construction as classified in Chapter 6 of the District of Columbia Building Code (Title 12-A DCMR) to construct a majority of dwelling units and which is located in a zone with a by-right height limit, exclusive of any bonus height, that is greater than fifty feet (50 ft.), shall set aside for Inclusionary Zoning the sum of the following:

- (a) The greater of eight percent (8%) ...
- (b) An area equal to eight percent (8%) of the penthouse habitable space as described in Subtitle C § ~~1500.11~~ 1507.2.

This set-aside requirement ...

Subsection 1006.10 of § 1006, OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be deleted (relocated to Subtitle C § 1507.5).

Subsection 1008.1 of § 1008, APPLICABILITY DATE, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1008.1 With the exception of penthouse habitable space approved by the Zoning Commission pursuant to Subtitle C § ~~1504.3~~1506.3, the provisions of this chapter shall not apply to any building approved by the Zoning Commission pursuant to a planned unit development if the approved application was set down for hearing prior to March 14, 2008.

Paragraph (f) of subsection 1304.1 of § 1304, ROOF-MOUNTED ANTENNAS, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended, to read as follows:

1304.1 All roof-mounted antennas, except those regulated by Subtitle C § 1306 ...

- (a) Each part of an antenna ...
- ...
- (f) Any related equipment cabinet or shelter that is not internal to the building or penthouse or rooftop structure shall be:
 - (1) Constructed of materials and colors that blend with the building or penthouses or rooftop structures; and
 - ...

Paragraphs (d) and (e) of subsection 1305.1 of § 1305, BUILDING-MOUNTED ANTENNAS, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, are proposed to be amended, to read as follows:

- 1305.1 All building-mounted antennas, except those regulated by Subtitle C § 1306 ...
 - (a) The top of the antenna ...
 - ...
 - (d) A building-mounted antenna placed on a **penthouse or rooftop** structure with a rooftop outdoor recreation space shall be secured from unauthorized access for a minimum vertical distance of ten feet (10 ft.); and
 - (e) Any related equipment cabinet or shelter that is not internal to the building or **penthouse or rooftop structure** shall be:
 - (1) Constructed of materials and colors that blend with the building or penthouses **or rooftop structures**; and
 - ...

Subsections 1307.1 and 1307.2 of § 1307, EXEMPTED ANTENNAS, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, are proposed to be amended, to read as follows:

- 1307.1 The requirements of Subtitle C §§ 1303 through 1306 shall not apply to any antenna that is:
 - (a) Entirely enclosed within a building, but is not the primary use within the building;
 - (b) Entirely enclosed on all sides by a **penthouse or rooftop structure**, or an extension of **penthouse or rooftop structure walls or screening**; this subsection shall not be interpreted to permit ~~penthouses a penthouse or rooftop structure~~ in excess of the height limitations ~~for roof structures~~;
- 1307.2 For the purposes of Subtitle C § 1307.1, **parapets and the walls of penthouses, and rooftop structures, and parapet walls parapets** may include an opaque membrane covering a port in front of the antenna that screens the antenna, blends with the wall and allows the antenna to operate.

Paragraph (c) of subsection 1311.4 of § 1314, OFFICE OF PLANNING REPORT, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended, to read as follows:

- 1311.4 A report from the Office of Planning is not required for:
 - (a) The modification of a previously permitted collocation ...
 - ...

- (c) Installation or maintenance of antenna-related equipment cabinets and shelters and other support structures consistent with the **penthouse and rooftop** structure regulations.

Paragraph (d) of § 1315.2 of § 1315, EQUIPMENT CABINET OR SHELTER, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended, to read as follows:

- 1315.2 If an antenna equipment cabinet or shelter is provided on the roof ...
- (a) It shall be set back from all exterior walls ...
 - ...
 - (d) It shall be placed only on a roof of a principal structure and may not be permitted on a roof of any other **rooftop** structure or penthouse.

The title of Chapter 15, PENTHOUSES, of Subtitle C, GENERAL RULES, is proposed to be amended, to read as follows:

Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES

Section 1500, PENTHOUSE GENERAL REGULATIONS, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be renamed and amended to clarify the applicability of penthouse and rooftop structure requirements in § 1500.2; to delete §§ 1500.3 and 1500.4 (relocated to new § 1501); to add a new § 1500.3; to renumber current § 1500.5 as new § 1500.4; and to delete §§ 1500.6 through 1500.10 (relocated to new § 1503) and §§ 1500.11 and 1500.12 (relocated to new §§ 1507.1 and 1507.2), to read as follows:

1500 ~~PENTHOUSE GENERAL REGULATIONS~~ INTRODUCTION

1500.1 A penthouse **or rooftop structure**, when not in conflict with the Height Act **or otherwise restricted**, may be erected to a height in excess of the building height authorized by the zone district, in accordance with the conditions specified in this section.

1500.2 ~~Except for compliance with the setbacks required by Subtitle C § 1502 and as otherwise noted in this section, a penthouse that is less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.~~

The requirements of this chapter shall apply to:

- (a) Penthouses; and**
- (b) Rooftop structures that are four feet (4 ft.) or more in height above the roof upon which they sit.**

Subsections 1500.3 and 1500.4 are proposed to be moved to new § 1501

1500.3 A rooftop structure that is less than four feet (4 ft.) in height above the roof upon which it sits shall not be subject to the requirements of this chapter, except it must comply with the setback requirements of Subtitle C § 1504.

~~1500.5~~ **1500.4** For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, electronic equipment of a type not necessary to the operation of the building or structure, or solar canopies on top of a parking garage. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Subsections 1500.6 through 1500.10 are proposed to be moved to new § 1503

Subsection 1500.11 is proposed to be moved to new § 1507.2

Subsection 1500.12 is proposed to be moved to new § 1507.1

Section 1501 is proposed to be renumbered as new § 1502

A new § 1501, USES, is proposed to be added to Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, incorporating and amending current §§ 1500.3 and 1500.4, to read as follows:

1501 **USES**

~~1500.3~~ **1501.1** A penthouse or rooftop structure may house mechanical equipment or any use permitted within the zone, except that penthouse habitable space shall be restricted as follows:

~~(a) Penthouse habitable space on a detached dwelling, semi-detached dwelling, rowhouse, or flat shall be limited pursuant to Subtitle C § 1500.4~~

~~(b) Within residential zones in which the building is limited to thirty five feet (35 ft.) or forty feet (40 ft.) maximum, the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;~~

(a) Penthouse habitable space may be permitted on the roof of a single household dwelling, flat, or accessory building in any zone, or on the roof of an apartment house converted pursuant to Subtitle U § 320.2, if it:

- (1) Is located entirely within the matter of right permitted height for the building;
- (2) Is a maximum of nine feet (9 ft.) in height and one (1) story; and
- (3) Contains only stair or elevator access to the roof plus a maximum of thirty square feet (30 sq. ft.) of space ancillary to a rooftop deck or terrace.

(b) Penthouse habitable space on the roof of a single household dwelling, flat, or accessory building in any zone, or on the roof of an apartment house converted pursuant to Subtitle U § 320.2, that does not meet the requirements of paragraph (a) of this section shall only be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to Subtitle C § 1506;

(c) A nightclub, bar, cocktail lounge, or restaurant use An eating and drinking establishment located within a penthouse habitable space, or on a rooftop deck on the highest roof of the building, shall only be permitted as a special exception if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9; or

(d) Penthouse habitable space is not permitted on On any building within an area bound by I Street, N.W. to the north; Constitution Avenue, N.W. to the south; 19th Street, N.W. to the west, and 13th Street, N.W. to the east, penthouse habitable space or publicly accessible rooftop deck on the highest roof of the building, shall be permitted only if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and with written approval by the U.S. Secret Service.

~~1500.4 Notwithstanding Subtitle C § 1500.3, a penthouse, other than screening for rooftop mechanical equipment or a guard rail required by Title 12 of the DCMR, D.C. Construction Code for a roof deck, shall not be permitted on the roof of a detached dwelling, semi-detached dwelling, rowhouse or flat in any zone; however, the Board of Zoning Adjustment may approve a penthouse as a special exception under Subtitle X, Chapter 9, provided the penthouse:~~

- ~~(a) Is no more than ten feet (10 ft.) in height and contains no more than one (1) story; and~~
- ~~(b) Contains only stair or elevator access to the roof, and a maximum of thirty square feet (30 sq. ft.) of storage space ancillary to a rooftop deck.~~

Section 1502 is proposed to be renumbered as new § 1504

Section 1501, PENTHOUSE HEIGHT, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be renumbered as new § 1502 and renamed and amended, including by deleting and relocating current §§ 1501.3 and 1501.5 to new Subtitle B §§ 306.5 and 306.6, to read as follows:

1501 1502 PENTHOUSE HEIGHT

1501.1 1502.1 ~~Permitted penthouse~~ Except as otherwise limited in this chapter, height and number of stories permitted for a penthouse or rooftop structure shall be as prescribed in the development standards for the applicable zone.

1501.2 1502.2 ~~Permitted penthouse~~ The height and number of stories permitted for a penthouse or rooftop structure for a building constructed pursuant to ~~the~~ a planned unit development (PUD) shall be as prescribed for the PUD standards for the applicable zone, pursuant to Subtitle X, Chapter 3.

Section 1501.3 is proposed to be moved to Subtitle B § 306.5

1501.4 1502.3 Pursuant to § 5 of the Height Act, a penthouse or rooftop structure may be erected to a height in excess of that permitted therein if authorized by the Mayor or his or her designee and subject to the setback and other restrictions stated in the Act.

Section 1501.5 is proposed to be renumbered as new Subtitle B § 306.6

Section 1503 is proposed to be renumbered as new § 1505

A new § 1503, ENCLOSING WALLS, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be added by incorporating and amending Subtitle C §§ 1500.6 through 1500.10, to read as follows:

1503 ENCLOSING WALLS

1500.6 1503.1 All penthouses and mechanical equipment shall be ~~placed~~ in one (1) enclosure, except that the following may be contained within a separate enclosure:

(a) Penthouse and mechanical equipment located on the roof of a public school, public recreation center, or public library; or

(b) A rooftop egress stairwell or elevator enclosure not containing any other form of habitable or mechanical space ~~may be contained within a separate enclosure, and shall harmonize that harmonizes~~ with the main penthouse in architectural character, material, and color.

1500.7 1503.2 When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.

~~1500.8~~ 1503.3 When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in Subtitle C §§ ~~1500.6 and 1500.7~~ 1503.1 and 1503.2 except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.

~~1500.9~~ 1503.4 ~~Enclosing walls of~~ Walls enclosing a penthouse ~~or rooftop structure,~~ or screening around uncovered mechanical equipment, shall ~~be of equal, uniform~~ comply with the following height requirements, as measured from ~~the~~ roof upon which the penthouse ~~or rooftop structure, or the screening,~~ sits, ~~except that and shall be provided as follows:~~

- (a) ~~Enclosing walls of~~ Walls enclosing penthouse habitable space ~~may~~ shall be of a single, ~~different~~ uniform height ~~than walls enclosing penthouse mechanical space;~~
- (b) ~~For a penthouse containing no habitable space, enclosing walls of~~ Walls enclosing penthouse mechanical space shall be of a single, uniform height; except that walls enclosing an elevator override may be of a ~~separate~~ different single, uniform height;
- (c) Required screening ~~walls~~ around uncovered mechanical equipment ~~may~~ shall be of a single, ~~different~~ uniform height; and
- (d) Walls enclosing a stairwell penthouse need not be of a single, uniform height.
- ~~(d) — The requirements of this section that enclosing walls or screening be of a single, uniform height is limited to each category of enclosing walls or screening, with differing heights between categories allowed provided that the height in each category is internally uniform.~~

~~1500.10~~ Enclosing walls of a penthouse from roof level shall rise vertically to a roof, with a slope not exceeding twenty percent (20%) from vertical.

Section 1504 is proposed to be renumbered as new § 1506

A new § 1504, SETBACKS, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be added by incorporating and amending § 1502 to clarify the setback requirements for penthouses and rooftop structures, to read as follows:

~~1502~~ 1504 SETBACKS

~~1502.1~~ 1504.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as

follows Except as exempted by Subtitle C §§ 1504.2 to 1504.4, a penthouse or rooftop structure shall be set back from the edge of the roof upon which it is located, measured from a point where a line extending from the top of the roof intersects with the outside face of the building enclosing wall, as follows:

- (a) A distance equal to its height from the front building wall of the roof upon which it is located;
- (b) A distance equal to its height from the rear building wall of the roof upon which it is located;
- (c) A distance equal to its height from ~~the a~~ side building wall of the roof upon which it is located if:
 - ~~(1) In any zone, it is on a building used as a detached dwelling, semidetached dwelling, rowhouse or flat, that is:~~
 - ~~(A) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or~~
 - ~~(B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;~~
 - (1) The side building wall is not located on a property line;
 - ~~(2) In the R-1 through R-3 and RF zones, it is on any building not described in Subtitle C § 1502.1(e)(1) that is:~~
 - ~~(A) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or~~
 - ~~(B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;~~
 - (2) The side building wall faces a public or private street or alley right-of-way, or a public park;
 - ~~(3) For zones not listed in paragraph Subtitle C § 1502.1(e)(2), it is on a building not described in paragraph Subtitle C § 1502.1(e)(1) that is located adjacent to a property that has a lower permitted matter-of-right building height;~~
 - (3) The adjacent property along the shared side lot line has a lower permitted matter-of-right building height; or
 - ~~(4) For any zone, it is on a building adjacent to a property improved with a designated landmark or contributing structure to a historic district that is built to a lower height regardless of the permitted matter-of-right building height; and~~
 - (4) The adjacent property along the shared side lot line is improved with a building that is a designated landmark or contributing structure to a historic district with a height at least ten feet (10 ft.) below the maximum height permitted in its zone;

- ~~(5) (d) For any zone, it is on a A distance equal to its height from building with walls that border any all sides of an open court ~~other than closed courts on the property; or~~~~
- ~~(d) — A distance equal to one half (0.5) of its height from any side building wall of the roof upon which it is located that is not adjoining another building wall and not meeting the conditions of paragraphs Subtitle C §§ 1502.1(c)(1) through (5); or~~
- (e) A distance equal to two (2) times its height from any building wall of the roof upon which it is located which fronts onto Independence Avenue, S.W. between 12th Street, S.W. and 2nd Street, S.W., or fronting onto Pennsylvania Avenue, N.W. between 3rd Street, N.W. and 15th Street, N.W., subject to any penthouse constraints on penthouses or rooftop structures contained within adopted PADDC Guideline documents.

1504.2 The front, rear, side, and open court setback requirements of Subtitle C §§ 1504.1(a)-(d) shall not apply to features meeting the following conditions:

- (a) Parapets;**
- (b) Roof membranes, and green roof mediums that do not exceed a height of two feet, measured from the surface of the roof upon which they sit;**
- (c) Roof decks, platforms, or other rooftop features that do not exceed a height of twelve inches (12 in.) maximum above the roof, measured from the surface of the roof upon which they sit;**
- (d) Solar panels, not attached to or hanging down from the side of a penthouse, rooftop structure, or parapet, that do not exceed a height of four feet (4 ft.) maximum above the roof, measured from the surface of the roof upon which they sit;**
- (e) Guardrails required by the building code, for a balcony that does not exceed a depth of ten feet (10 ft.) from the façade of the building, or for a deck not located on the highest roof of a building and which does not exceed a depth of ten feet (10 ft.) from the façade of the building;**
- (f) Guardrails or privacy fences on the top of a one story accessory building, provided the total height of the building including the guardrail or privacy fence does not exceed the height permitted for an accessory building in the zone; or**
- (g) Mechanical equipment or screening for mechanical equipment on the roof of a public school, recreation center, or library.**

1504.3 **The rear, side, and open court setback requirements of Subtitle C §§ 1504.1(b)-(d) shall further not apply to features meeting the following conditions:**

- (a) **For a rooftop deck other than as addressed in Subtitle C § 1504.2(e), guardrails required by the building code which do not exceed a height of three feet, six inches maximum (3'-6" max.), when the façade is not facing a public or private street or public park;**
- (b) **Gooseneck exhaust ducts serving kitchen and toilet ventilating systems, roof mounted antennas, trash chutes, plumbing vent stacks, HVAC compressors, or other similar mechanical equipment;**
- (c) **Roof hatches that do not exceed a height of four feet (4 ft.), measured from the surface of the roof upon which they sit; or**
- (d) **Skylights that do not exceed a height of two feet (2 ft.), measured from the surface of the roof upon which they sit.**

1504.4 **The open court setback requirements of Subtitle C § 1504.1(d) shall further not apply to a rooftop access stairwell or elevator.**

Section 1505 is proposed to be renumbered as new § 1507

Section 1503, PENTHOUSE AREA, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be renumbered as new § 1505 and renamed and amended, to read as follows:

1503 **1505** **PENTHOUSE ENCLOSED AREA**

1503.1 **1505.1** For the purposes of calculating floor area ratio for the building, the aggregate square footage of all **penthouse** levels or stories **of a penthouse or rooftop structure** measuring six and one-half feet (6.5 ft.) or more in height shall be included in the gross floor area contributing to the total floor area ratio permitted for the building, with the following exceptions:

- (a) Penthouse mechanical space;
- (b) Communal recreation or amenity space for residents or **non-residential** tenants of the building;
- (c) Penthouse habitable space, other than as exempted in Subtitle C § **1503.1(b)** **1505.1(b)**, with a floor area ratio of less than four-tenths (0.4); and
- (d) Mechanical equipment owned and operated as a penthouse **or rooftop structure** by a fixed right-of-way public mass transit system.

~~1503.2~~ 1505.2 Penthouses or rooftop structure, including any combination of mechanical or habitable space, shall not exceed one-third (1/3) of the total roof area upon which the penthouse or rooftop structure sits ~~in the following areas:~~

- ~~(a)~~ ~~Zones or portions of zones where there is a limitation on the number of stories of three (3) or less; and~~
- ~~(b)~~ ~~Any for any property fronting directly onto Independence Avenue, S.W. between 12th Street, S.W. and 2nd Street, S.W.~~

~~1503.3~~ 1505.3 Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio, but shall be computed as a penthouse to determine if they comply with Subtitle C § ~~1503.2~~ 1505.2.

Section 1504, RELIEF FROM PENTHOUSE REQUIREMENTS, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is proposed to be renumbered as new § 1506 and renamed and amended, to read as follows:

~~1504~~ 1506 RELIEF FROM PENTHOUSE OR ROOFTOP STRUCTURE REQUIREMENTS

~~1504.1~~ 1506.1 Relief ~~to~~ from the requirements of Subtitle C §§ ~~1500.6—1500.10 and 1502~~ 1503 and 1504 may be granted as a special exception by the Board of Zoning Adjustment subject to:

- (a) The special exception requirements of Subtitle X, Chapter 9;
- (b) The applicant's demonstration that reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and
- (c) The applicant's demonstration of at least one (1) of the following considerations:
 - ~~(a)~~ (1) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;
 - ~~(b)~~ (2) The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall;
 - ~~(c)~~ (3) The relief requested would result in a penthouse or rooftop structure that is visually less intrusive; and

- (d) (4) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;
- (e) ~~Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and~~
- (f) ~~The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.~~

~~1504.2~~ 1506.2 Relief shall not be granted to the setback requirements of Subtitle C § ~~1502~~ 1504 for a penthouse or rooftop structure located on a building constructed to the maximum height allowed by the Height Act.

~~1504.3~~ 1506.3 A request to add penthouse habitable space to a building approved by the Zoning Commission prior to January 8, 2016, as a planned unit development or through the design review ~~requirements of Subtitle X, Chapters 3 and 6 prior to January 8, 2016 process~~, may be filed as a minor modification for placement on the Zoning Commission consent calendar, pursuant to Subtitle Z § 703, provided:

- (a) The penthouse does not require relief from any other penthouse regulation;
- (a) ~~(b)~~ The item shall not be placed on a consent calendar for a period of thirty (30) days minimum following the filing of the application; and
- ~~(b)~~ (c) The Office of Planning shall submit a report with a recommendation a minimum of seven (7) days in advance of the meeting.

~~1504.4~~ 1506.4 In addition to meeting the special exception requirements of Subtitle X, ~~Chapter 9 § 901~~, an application made pursuant to Subtitle C § ~~1504.3~~ 1506.3, shall include:

- (a) A fully dimensioned copy of the approved and proposed roof-plan and elevations as necessary to show the changes;
- (b) A written comparison of the proposal to the Zoning Regulations; and
- (c) Verification that the affected Advisory Neighborhood Commission has been notified of the request.

Section 1505, AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ON A NONRESIDENTIAL BUILDING OF PENTHOUSE HABITABLE SPACE, of Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, of Subtitle C, GENERAL RULES, is renumbered as new § 1507 and renamed and amended by deleting §§ 1505.1 and 1505.2, adding new §§ 1507.1 and 1507.2, revising § 1505.3, deleting §§ 1505.4 through 1505.15, revising § 1505.16 and adding new §§ 1507.6 through 1507.8 and 1507.10, to read as follows:

~~1505~~ **1507** AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ~~ON A NONRESIDENTIAL BUILDING~~ OF PENTHOUSE HABITABLE SPACE

~~1505.1~~ ~~The owner of a non-residential building proposing to construct penthouse habitable space shall produce or financially assist in the production of residential uses that are affordable to low income households, as those households are defined by Subtitle C, Chapter 10, in accordance with this section.~~

~~1505.2~~ ~~The requirements of this section shall be triggered by the filing of a building permit application that, if granted, would result in the provision of penthouse habitable space exceeding one thousand square feet (1,000 sq. ft.).~~

~~1500.12~~ **1507.1** ~~For non-residential buildings, the~~ The construction of penthouse habitable space, including all forms of habitable space, on a building that is devoted to entirely non-residential or lodging use shall trigger the affordable housing requirement as set forth in Subtitle C § 1505 shall contribute funds to the Housing Trust Fund in accordance with the procedures and requirements of Subtitle C §§ 1507.6 to 1507.10.

~~1500.11~~ **1507.2** ~~For residential buildings, the~~ The construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building, on a building that is partially or entirely devoted to residential use is subject to the Inclusionary Zoning set-aside provisions of Subtitle C, Chapter 10, Inclusionary Zoning, at 50% MFI in accordance with Subtitle C §§ 1003.7 and 1507.5, except for:

(a) Penthouse space on a multi-family building devoted exclusively to communal rooftop recreation or communal amenity space for the primary use of residents of the building; or

(b) Penthouse space on the roof of single household dwelling or flat.

~~1505.3~~ **1507.3** The requirements of this section shall not apply to properties owned by the District government or the Washington Metropolitan Area Transit Authority and used for government or public transportation purposes.

- ~~1505.4 — Qualifying residential uses include single dwelling units, flats, multiple dwelling units, including apartment houses, rooming houses, and boarding houses, but shall not include transient accommodations, all as defined in Subtitle B.~~
- ~~1505.5 — If the owner constructs or rehabilitates the required housing, the provisions of Subtitle C §§ 1505.6 through 1505.11 shall apply.~~
- ~~1505.6 — The gross square footage of new or rehabilitated housing shall equal:~~
- ~~(a) — Not less than one fourth (1/4) of the proposed penthouse habitable space if the required housing is situated on an adjacent property;~~
 - ~~(b) — Not less than one third (1/3) of the proposed penthouse habitable space if the location of the required housing does not comply with paragraph (a) of this subsection, but is nonetheless within the same Advisory Neighborhood Commission area as the property, or if it is located within a Housing Opportunity Area as designated in the Comprehensive Plan; and~~
 - ~~(c) — Not less than one half (0.5) of the proposed penthouse habitable space if the location of the required housing is other than as approved in paragraphs (a) and (b) above.~~
- ~~1505.7 — If the housing is provided as new construction, the average square feet of gross floor area per dwelling or per apartment unit shall be not less than eight hundred and fifty square feet (850 sq. ft.); provided, that no average size limit shall apply to rooming houses, boarding houses, or units that are deemed single-room occupancy housing~~
- ~~1505.8 — For purposes of this section, the word “rehabilitation” means the substantial renovation of housing for sale or rental that is not habitable for dwelling purposes because it is in substantial violation of the Housing Regulations of the District of Columbia (14 DCMR).~~
- ~~1505.9 — In the case of rental housing, the required housing shall be maintained as affordable dwelling units for not less than twenty (20) years beginning on the issuance date of the first certificate of occupancy for the residential development, or if for a single dwelling unit, the effective date of the first lease agreement.~~
- ~~1505.10 — If the required housing is provided for home ownership, it shall be maintained as affordable dwelling units for not less than twenty (20) years beginning on the issuance date of the first certificate of occupancy for the residential development, or if for a single dwelling unit, the effective date of the first sales agreement.~~
- ~~1505.11 — No certificate of occupancy shall be issued for the owner’s building to permit the occupancy of penthouse habitable space until a certificate of occupancy has been issued for the housing required pursuant to this section, or in the case of a residential unit for which a certificate of occupancy is not required, prior to the final building inspection.~~
- ~~1505.12 — If the owner instead chooses to contribute funds to a housing trust fund, as defined in Subtitle B, the provisions of Subtitle C §§ 1505.13 through 1505.16 shall apply.~~

~~1505.13~~ — ~~The contribution shall be equal to one-half (0.5) of the assessed value of the proposed penthouse habitable space.~~

~~1505.14~~ — ~~The assessed value shall be the fair market value of the property as indicated in the property tax assessment records of the Office of Tax and Revenue no earlier than thirty (30) days prior to the date of the building permit application to construct the penthouse habitable space.~~

~~1505.15~~ — ~~The contribution shall be determined by dividing the assessed value per square foot of land that comprises the lot upon which the building is or will be located by the maximum permitted non-residential FAR and multiplying that amount times the penthouse habitable space to be constructed.~~

1507.4 **The penthouse habitable space set-aside shall be calculated as gross floor area but shall mean “net residential floor area” for purposes of Subtitle C § 1003.**

~~1006.10~~ **1507.5** Inclusionary units resulting from the set-aside required for penthouse habitable space as described in Subtitle C § ~~1500.14~~ **1507.2** shall be provided within the building, except that the affordable housing requirement may be achieved by providing a contribution to ~~a housing trust fund~~ **the Housing Production Trust Fund**; consistent with the provisions of Subtitle C §§ ~~1505.13 through 1505.16~~ **1507.6 through 1507.10**, **except provided** that the calculation of ~~Subtitle C § 1505.15~~ **the contribution** shall be based on the maximum permitted residential FAR; when:

- (a) The new penthouse habitable space is being provided as an addition to an existing building which is not otherwise undergoing renovations or additions that would result in a new or expanded Inclusionary Zoning requirement within the building;
- (b) The penthouse habitable space is being provided on an existing or new building not otherwise subject to Inclusionary Zoning requirements; or
- (c) The building is not otherwise required to provide Inclusionary Units for eligible households earning equal to or less than fifty percent (50%) of the MFI if the amount of penthouse habitable space would result in a net floor area set-aside less than the net floor area of the smallest dwelling unit within the building.

1507.6 **When the construction of penthouse habitable space results in a contribution to the Housing Trust Fund, the contribution amount and timing shall be in accordance with the provisions of Subtitle C §§ 1507.7 through 1507.10.**

1507.7 **The required amount of the Housing Trust Fund contribution shall be determined as follows:**

- (a) **First multiply the land area upon which the building is or will be located by the maximum by-right permitted FAR for the proposed use**

of the building to determine the maximum permitted gross square feet of development on the site;

- (b) Second, divide the assessed value of land upon which the building is or will be located by the maximum permitted gross square feet of development to determine a value per square foot;
- (c) Third, multiply the value per square foot by the total gross floor area of the penthouse habitable space to be constructed; and
- (d) Finally, multiply this sum by fifty percent (50%) to determine the contribution.

1507.8 For the purposes of the calculation of Subtitle C § 1507.7:

- (a) The land area upon which the building is or will be located shall include the entire record lot or combination of all tax and air lots comprising the entire record lot regardless of ownership;
- (b) The maximum permitted by-right FAR shall be based on the existing or, when applicable, the approved zoning designations, and shall not include any bonuses, credits, zoning relief or flexibility granted, planned unit development density increases, or grandfathered conditions, and shall be determined as follows:

 - (1) For an entirely non-residential or lodging building, the maximum permitted non-residential FAR shall be used, regardless of the use of the habitable space;
 - (2) For buildings that are partially or entirely devoted to residential use, the maximum permitted residential FAR shall be used, regardless of the use of the habitable space;
 - (3) For the Downtown (D) zones, if not otherwise specified, the maximum permitted residential FAR permitted shall be 10 FAR; and
 - (4) In R and RF zones, projects with a maximum permitted lot occupancy of 40% or less shall use an equivalent of 1.2 FAR, and projects with a maximum permitted lot occupancy of 60% shall use an equivalent of 1.8 FAR;
- (c) The assessed value of land shall be the fair market value of the land as indicated in the property tax assessment records of the Office of Tax and Revenue (OTR), at the time the payment is due to be submitted pursuant to Subtitle C §§ 1507.9 and 1507.10;

(d) The total gross floor area of the penthouse habitable space shall be determined as follows:

(1) For entirely non-residential or lodging buildings, all forms of habitable space shall be included in the total gross floor area of the penthouse habitable space;

(2) For buildings that are partially or entirely devoted to residential use, all forms of habitable space, except space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the building, shall be included in the total gross floor area of the penthouse habitable space; and

(3) For purposes of (i) and (ii), total gross floor area of the penthouse habitable space includes enclosed hallways, vestibules, washrooms, and other service space serving any habitable or non-habitable space.

1505.16 1507.9 Except as described in Subtitle C § 1507.10, not less than one-half (0.5) of the required total financial contribution shall be made prior to the issuance of a building permit for construction of the penthouse habitable space, and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy for any or all of the building's penthouse habitable space.

1507.10 Where the proposed penthouse habitable space or the building on which it is located is subject to a Planned Unit Development, or is located on property for which the Zoning Commission approved a Map Amendment no more than five (5) years prior to the filing of the building permit application to construct the penthouse or building, the Housing Production Trust Fund payment required pursuant to Subtitle C §§ 1507.6 through 1507.8, shall be as follows:

(a) Prior to the issuance of a building permit for any penthouse space, not less than one-half (1/2) of the required total Housing Production Trust Fund contribution shall be made in accordance with the calculation of Subtitle C § 1507.7, based on the fair market value of the land as indicated in the property tax assessment records of the OTR at the time that the building permit application is accepted as complete by the Department of Consumer and Regulatory Affairs; and

(b) Prior to the issuance of a certificate of occupancy for any penthouse space, the calculations of Subtitle C § 1507.7 shall be repeated based on the fair market value of the land as indicated in the property tax assessment records of the OTR at the time of certificate of occupancy issuance; and the balance of the required total contribution, minus the amount paid pursuant to the contribution of Subtitle C § 1507.7(a), shall be made.

IV. Proposed Conforming Amendments to Subtitle D RESIDENTIAL HOUSE (R) ZONES

The title of § 204, PENTHOUSES, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

204 PENTHOUSES AND ROOFTOP STRUCTURES

Subsection 204.1 of § 204, PENTHOUSES, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

204.1 Penthouses or rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

Subsection 302.2 of § 302, DENSITY – LOT DIMENSIONS, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

302.2 Except for new penthouse habitable space as described in Subtitle C § ~~1500.11~~ 1507.2, 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.

Subsections 303.1 and 303.2 of § 303, HEIGHT, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

303.1 The maximum permitted building height, not including the penthouse or rooftop structure, 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 or rooftop structure, except as permitted in Subtitle D § 303.3 and ~~as prohibited on~~ as limited in Subtitle C § 1501, 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.

Subsections 403.1 and 403.2 of § 403, HEIGHT, of Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

403.1 The maximum permitted building height, not including the penthouse or rooftop structure, 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 or rooftop structure, except as permitted in Subtitle D § 403.3 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Subsections 503.1 and 503.2 of § 503, HEIGHT, of Chapter 5 FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

503.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-8, R-9, and R-10 zones shall be forty feet (40 ft.) and three (3) stories.

503.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 503.3 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Subsections 603.1, 603.2, and 603.3 of § 603, HEIGHT, of Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE – R-11, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended to read, to read as follows:

603.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-11 zone shall be forty feet (40 ft.) and three (3) stories.

603.2 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure, 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.

603.3 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 603.4 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Subsections 703.1, 703.2, and 703.3 of § 703, HEIGHT, of Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

703.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-12 and R-13 zones shall be forty feet (40 ft.) and three (3) stories.

- 703.2 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure, 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.
- 703.3 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 703.4 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Subsections 803.1 and 803.2 of § 803, HEIGHT of Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

- 803.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-14 and R-15 zones shall be forty feet (40 ft.) and three (3) stories.
- 803.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 803.3 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Subsections 903.1 and 903.2 of § 903, HEIGHT, of Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

- 903.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-16 zone shall be forty feet (40 ft.) and three (3) stories.
- 903.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 903.3 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Subsections 1003.1 and 1003.2 of § 1003, HEIGHT, of Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – R-17, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

- 1003.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-17 zone shall be forty feet (40 ft.) and three (3) stories.
- 1003.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 1003.3 and ~~as prohibited on~~ as limited in Subtitle

C § 1501 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.

Subsections 1203.1, 1203.5, and 1203.6 of § 1203, HEIGHT, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

- 1203.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-19 and R-20 zones shall be thirty-five feet (35 ft.) and three (3) stories.
- 1203.5 In the R-19 and R-20 zones, any pergola, railing, or similar rooftop 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 not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure, 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.

Subsections 1303.1 and 1303.2 of § 1303, HEIGHT, of Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, are proposed to be amended, to read as follows:

- 1303.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the R-21 zone shall be forty feet (40 ft.) and three (3) stories.
- 1303.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle D § ~~207.6~~ 1303.3 and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Section 4904, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

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

TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

Zone	Maximum Height, Not Including Penthouse or Rooftop Structure (ft.)	Maximum Number of Stories
R-11, R-12, R-13	40	No Limit
All other R zones	60	No Limit

The title of § 4905, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

4905 PENTHOUSE OR ROOFTOP STRUCTURES

Section 4905, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

4905.1 Penthouses or rooftop structures 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 schools shall be permitted a mechanical penthouses to a maximum height of eighteen feet, six inched (18 ft., 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

Section 5002, HEIGHT, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

5002.1 The maximum 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 or rooftop structure. 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 5102⁵, HEIGHT, of Chapter 51, ALLEY LOT REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

5102.1 The maximum height and stories of buildings on alley lots in R zones shall be twenty feet (20 ft.), including the penthouse or rooftop structure.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE AND ROOTOP STRUCTURE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be amended, to read as follows:

5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse or rooftop structure requirements of this subtitle pursuant to Subtitle C §§ ~~1504.1 and 1504.2~~ 1506.

⁵ Since Subtitle D § 5102 is proposed to be deleted by the pending text amendment in Z.C. Case No. 19-13, the changes proposed here will be updated to reflect the final text.

V. Proposed Conforming Amendments to Subtitle E RESIDENTIAL HOUSE (RF) ZONES

The title of § 202, PENTHOUSES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, is proposed to be amended, to read as follows:

202 PENTHOUSES OR ROOFTOP STRUCTURES

Subsection 202.1 of § 202, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, is proposed to be amended, to read as follows:

202.1 Penthouses or rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

The title of 206⁶, ROOF TOP OR UPPER FLOOR ADDITIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, is proposed to be amended, to read as follows:

206 ~~ROOF TOP~~ ROOFTOP OR UPPER FLOOR ADDITIONS

Paragraphs (b) and (c) of subsection 206.1 of § 206⁷, ROOFTOP OR UPPER FLOOR ADDITIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, are proposed to be amended, to read as follows:

206.1 In an RF zone district, the following provisions shall apply:

- (a) A roof top architectural element ...
- (b) Any addition, including a penthouse or rooftop 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
- (d) Any addition, including a penthouse or rooftop 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:

⁶ Since Subtitle E § 206 is proposed to be revised by the pending text amendment in Z.C. Case No. 19-21, the changes proposed here will be updated to reflect the final text.

⁷ Since Subtitle E § 206 is proposed to be revised by the pending text amendment in Z.C. Case No. 19-21, the changes proposed here will be updated to reflect the final text.

(1) “Significantly interfere” shall mean ...
...

Subsections 303.1 and 303.4 through 303.7 of § 303, HEIGHT, of Chapter 3, RESIDENTIAL FLAT ZONE – RF-1, of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, are proposed to be amended, to read as follows:

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 or rooftop structure, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.

...

303.4 The maximum permitted building height for a place or worship, not including the penthouse or rooftop structure, in the RF-1 zone shall be sixty feet (60 ~~feet~~ ft.) 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 or rooftop structure; 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 or rooftop structure; 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 or rooftop structure, except as permitted in Subtitle E § 303.8, and ~~as prohibited on~~ as limited in Subtitle C § 1501 on the roof of a detached dwelling, semi-detached dwelling, rowhouse, ~~or~~ flat, or apartment house converted pursuant to Subtitle U § 320.2, in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

Subsections 403.1 and 403.7 of § 403, HEIGHT, of Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, are proposed to be amended, to read as follows:

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 or rooftop structure, in an RF-2 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.

...

- 403.4 The maximum permitted building height for a place of worship, not including the penthouse or rooftop structure, 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 or rooftop structure; 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 or rooftop structure; 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.
- 403.7 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle E § 403.8, and ~~as prohibited on~~ as limited in Subtitle C § 1501 on the roof of a detached dwelling, semi-detached dwelling, rowhouse, ~~or~~ flat, or apartment house converted pursuant to Subtitle U § 320.2, in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

Subsections 503.1 and 503.5 of § 503, HEIGHT, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, are proposed to be amended, to read as follows:

- 503.1 In the RF-3 zone, building height, not including the penthouse or rooftop structure, 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.
- 503.5 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, or rooftop structure 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 or rooftop structure, except as permitted in Subtitle E § 503.6, and ~~as prohibited on~~ as limited in Subtitle C § 1501 on the roof of a detached dwelling, semi-detached dwelling, row dwelling, ~~or~~ flat, or apartment house converted pursuant to Subtitle U § 320.2, in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.

Subsections 603.1, 603.2, and 603.4 through 603.6 of § 603, HEIGHT, of Chapter 6 RESIDENTIAL FLAT ZONE – RF-4 AND RF-5, of Subtitle E, RESIDENTIAL HOUSE (RF) ZONES, are proposed to be amended, to read as follows:

603.1 Except as specified elsewhere in this section, the ~~The~~ maximum permitted building height in the RF-4, not including the penthouse or rooftop structure, 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 or rooftop structure, 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.

...

603.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure; 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 or rooftop structure; 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 or rooftop structure, except as permitted in Subtitle E § 603.7, and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Section 4904, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended, to read as follows:

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

TABLE D § 4904.1: MAXIMUM HEIGHT FOR PUBLIC SCHOOLS

Zone	Maximum Height, Not Including Penthouse <u>or Rooftop Structure</u> (ft.)	Maximum Number of Stories
RF-1, RF-2	60	No Limit

Zone	Maximum Height, Not Including Penthouse <u>or Rooftop Structure</u> (ft.)	Maximum Number of Stories
RF-3	40	No Limit
RF-4, RF-5	90	No Limit

The title of § 4905, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended, to read as follows:

4905 PENTHOUSE OR ROOFTOP STRUCTURES

Section 4905, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended, to read as follows:

4905.1 Penthouses or rooftop structures 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 schools shall be permitted a mechanical penthouses 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.

Section 5002, HEIGHT, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended, to read as follows:

5002.1 The maximum height of an accessory building in an RF zone shall be twenty feet (20 ft.) and two (2) stories, including the penthouse or rooftop structure.

Paragraphs (b) and (c) of § 5203.1 of § 5203, BUILDING HEIGHT, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, are proposed to be amended, to read as follows:

5203.1 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;
- (c) Any addition, including a ~~roof structure or~~ penthouse or rooftop structure, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (d) Any addition, including a ~~roof structure or~~ penthouse or rooftop structure, 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;

...

The title of § 5205, SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended, to read as follows:

5205 SPECIAL EXCEPTION FROM PENTHOUSE AND ROOFTOP STRUCTURE PROVISIONS

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE AND ROOFTOP STRUCTURE PROVISIONS, of Chapter 52, RELIEF FROM DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be amended, to read as follows:

5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse or rooftop structure requirements of this subtitle pursuant to Subtitle C §§ ~~1504.1 and 1504.2~~ 1506.

VI. Proposed Conforming Amendments to Subtitle F RESIDENTIAL APARTMENT (RA) ZONES

Subsection 102.2, of § 102, USE PERMISSIONS, of Chapter 1, INTRODUCTION TO RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

102.2 Use permissions within a penthouse or rooftop structures are as specified in Subtitle C § ~~1500.3~~ 1501.

Subsection 203.2 through 203.4 of § 203, HEIGHT, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RA) ZONES, of Subtitle F, RESIDENTIAL HOUSE (RA) ZONES, are proposed to be amended, to read as follows:

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 or rooftop structure.

203.3 An institutional building or structure may be erected to a height no exceeding ninety feet (90 ft.), not including the penthouse, or rooftop structure, 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.

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 **or rooftop structure**, 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.

The title of § 204, PENTHOUSES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

204 PENTHOUSES OR ROOFTOP STRUCTURES

Subsection 204.1 of § 204, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

204.1 Penthouses **or rooftop structures** shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

Subsection 302.1 of § 302, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, are proposed to be amended, to read as follows:

302.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, Penthouses **and Rooftop Structures**, the maximum permitted FAR in the RA-1 through RA-5 zones shall be as set forth in the following table ...

Subsections 303.1 and 303.2 of § 303, HEIGHT, of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, are proposed to be amended, to read as follows:

303.1 Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse **or rooftop structure**, in the RA-1 through RA-5 zones shall be as set forth in the following table: ...

303.2 The maximum permitted height of a penthouse **or rooftop structure**, except as permitted in Subtitle F § 204.2, and ~~as prohibited on as limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Subsections 403.1 and 403.3 of § 403, HEIGHT, of Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, are proposed to be amended, to read as follows:

403.1 ~~The~~ Except as permitted in Subtitle F § 203, the maximum permitted building height in the RA-6 zone, not including the penthouse or rooftop structure, shall be forty feet (40 ft.) and three (3) stories.

...

403.3 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle F § 204.2, and ~~as prohibited on~~ as limited in Subtitle C § 1501 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.

Section 503, HEIGHT, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE - RA-7, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

503.1 ~~The~~ Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse or rooftop structure, in the RA-7 zone shall be forty feet (40 ft.) and three (3) stories.

503.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle F § 204.2, and ~~as prohibited on~~ as limited in Subtitle C § 1501 on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat, ~~in Subtitle C § 1500.4~~, shall be ten feet (10 ft.) and one (1) story.

Subsection 602.1 of 602, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

602.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, Penthouses and Rooftop Structures, the maximum permitted FAR in the RA-8, RA-9, and RA-10 zones shall be as set forth in the following table ...

Section 603, HEIGHT, of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

603.1 Except as permitted in Subtitle F § 203, the maximum permitted building height, not including the penthouse or rooftop structure, in the RA-8, RA-9, and RA-10 zones shall be as set forth in the following table: ...

603.2 The maximum permitted height of a penthouse or rooftop structure, except as permitted in Subtitle F § 204.2, and ~~as prohibited on~~ as limited in Subtitle C §

1501 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 § 603.2: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Section 4904, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

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

The title of § 4905, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

4905 PENTHOUSE OR ROOFTOP STRUCTURES

Section 4905, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

4905.1 Penthouses or rooftop structures 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 schools shall be permitted a mechanical penthouses to a maximum height of eighteen feet, six inched (18 ft., 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

Subsection 5004.2 of § 5004, MISCELLANEOUS, of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

5004.2 Accessory buildings on any lot shall be included in the maximum lot occupancy and GAR requirements and if applicable, the FAR, as listed and conditioned in this subtitle and the development standards of the penthouse and rooftop structure regulations in Subtitle C, Chapter 15.

Section 5102, HEIGHT, of Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, are proposed to be amended, to read as follows:

5102.1 The maximum height and stories of building on alley lots in RA zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse or rooftop structure.

Section 5205, SPECIAL EXCEPTION FROM PENTHOUSE AND ROOFTOP STRUCTURE PROVISIONS, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RA ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be amended, to read as follows:

5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse or rooftop structure requirements of this subtitle pursuant to Subtitle C §§ ~~1504.1 and 1504.2~~ 1506.

VII. Proposed Conforming Amendments to Subtitle G, MIXED USE (MU) ZONES

Section 104, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

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~~ 1507.2, 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.

The title of § 203, PENTHOUSES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

203 PENTHOUSES OR ROOFTOP STRUCTURES

Subsection 203.1 of § 203, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

203.1 Penthouses or rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

Section 303, HEIGHT, of Chapter 3, MIXED-USE ZONES - MU-1 AND MU-2, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

303.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the MU-1 and MU-2 zones shall be as set forth in the following table:
...

303.2 The maximum permitted height of a penthouse **or rooftop structure**, except as ~~prohibited on~~ **limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Subsections 403.1 and 403.3 of § 403, HEIGHT, of Chapter 4, MIXED-USE ZONES - MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED USE (MU) ZONES, are proposed to be amended, to read as follows:

403.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, 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: ...
...

403.3 The maximum permitted height of a penthouse **or rooftop structure**, except as ~~prohibited on~~ **limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Section 503, HEIGHT, of Chapter 5, MIXED-USE ZONES - MU-11, MU-12, MU-13, AND MU-14, of Subtitle G, MIXED USE (MU) ZONES, are proposed to be amended, to read as follows:

503.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, 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: ...

503.2 The maximum permitted height of a penthouse **or rooftop structure**, except as ~~prohibited on~~ **limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

503.3 In the MU-11 zone, the following conditions apply:

- (a) A building or structure located on, in, or over the water ...
- (b) Penthouses or rooftop structures 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 or rooftop structure is below the maximum building height prescribed for the MU-11 zone.

Subsection 504.3 of § 504, LOT OCCUPANCY, of Chapter 5, MIXED-USE ZONES - MU-11, MU-12, MU-13, AND MU-14, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

504.3 Except for new penthouse habitable space as described in Subtitle C § ~~1500.11~~ 1507.2, 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.

Section 601.2 of § 601, DEVELOPMENT STANDARDS, of Chapter 6, DUPONT CIRCLE MIXED-USE ZONES - MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

601.2 The matter-of-right building height, floor area ratio, and penthouse and rooftop structure height limits shall serve as the maximum permitted building height, floor area ratio, and penthouse and rooftop structure height for a planned unit development.

Section 603, HEIGHT, of Chapter 6, DUPONT CIRCLE MIXED-USE ZONES - MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

603.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the MU-15 through MU-22 zones shall be as set forth in the following table: ...

603.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Subsections 703.1, 703.3, and 703.4 of § 703, HEIGHT, of Chapter 7, CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED USE ZONES – MU-23, MU-24, MU-25, AND MU-26, of Subtitle G, MIXED USE (MU) ZONES, are proposed to be amended, to read as follows:

703.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the MU-23, MU-24, and MU-26 zones shall be forty feet (40 ft.) and three (3) stories.

...

703.3 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § ~~1500.4~~, 1501 on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat, shall be 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 or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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.

Section 803, HEIGHT, of Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

803.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the MU-27 zone shall be forty feet (40 ft.), measured as follows: ...

803.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 or rooftop structure 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.~~

Subsection 804.2 of § 804, LOT OCCUPANCY, of Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

804.2 Except for new penthouse habitable space as described in Subtitle C § ~~1500.11~~ 1507.2, the Inclusionary Zoning requirements and modification of Subtitle C, Chapter 10 shall not apply to the MU-27 zone.

Subsections 903.1 through 903.3 of § 903, HEIGHT, of Chapter 9, FORT TOTTEN MIXED USE ZONES – MU-28 AND MU-29, of Subtitle G, MIXED USE (MU) ZONES, are proposed to be amended, to read as follows:

903.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the MU-28 and MU-29 zones shall be as set forth in the following table: ...

903.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 § 903.2: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

903.3 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~~ penthouses and rooftop structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.

Section 1102, HEIGHT, of Chapter 11, ALLEY LOT REGULATIONS FOR MU ZONES – MU-28 AND MU-29, of Subtitle G, MIXED USE (MU) ZONES, are proposed to be amended, to read as follows:

1102.1 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 or rooftop structure.

1102.2 The maximum height and stories of the building in all other MU zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse or rooftop structure.

The title of § 4903, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

4903 PENTHOUSES OR ROOFTOP STRUCTURES

Section 4903, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

4903.1 Penthouses **and rooftop structures** 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 schools shall be permitted a mechanical penthouses to a maximum height of eighteen feet, six inched (18 ft., 6 in.) or the permitted mechanical penthouse height in the zone, whichever is greater.

VIII. Proposed Conforming Amendments to Subtitle H NEIGHBORHOOD MIXED USE (NC) ZONES

Section 103, INCLUSIONARY ZONING, of Chapter 1, INTRODUCTION TO NEIGHBORHOOD MIXED-USED (NC) ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

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 § ~~1500.14~~ **1507.2** in the NC-6 zone shall be subject to the IZ requirements.

Subsection 201.2 of § 201, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, INTRODUCTION TO NEIGHBORHOOD MIXED-USED (NC) ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

201.2 The matter-of-right height, penthouse **and rooftop structure**, and density limits shall serve as the guidelines for planned unit developments except if specifically stated otherwise.

The title of § 203, PENTHOUSES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

203 PENTHOUSES OR ROOFTOP STRUCTURES

Section 203, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

203.1 Penthouses **or rooftop structures** shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

Section 303, HEIGHT, of Chapter 3, MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE — NC-1, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

303.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the NC-1 zone shall be forty feet (40 ft.) and three (3) stories.

303.2 The maximum permitted height of a penthouse **or rooftop structure**, except as ~~prohibited on~~ **limited in Subtitle C § 1501 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.

Section 403, HEIGHT, of Chapter 4, TAKOMA NEIGHBORHOOD MIXED-USE ZONE — NC-2, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

403.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the NC-2 zone shall be fifty feet (50 ft.) (fifty-five feet [55 ft.] with IZ).

403.2 The maximum permitted height of a penthouse **or rooftop structure**, except as ~~prohibited on~~ **limited in Subtitle C § 1501 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.

Section 503, HEIGHT, of Chapter 5, CLEVELAND PARK NEIGHBORHOOD MIXED-USE — NC-3, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

503.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the NC-3 zone shall be forty feet (40 ft.) (forty-five feet [45 ft.] with IZ).

503.2 The maximum permitted height of a penthouse **or rooftop structure**, except as ~~prohibited on~~ **limited in Subtitle C § 1501 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.

Section 603, HEIGHT, of Chapter 6, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES — NC-4 AND NC-5, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

603.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the NC-4 and NC-5 zones shall be as set forth in the following table:

...

603.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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.

Subsection 702.2 of § 702, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — NC-6, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

702.2 Except for new penthouse habitable space as described in Subtitle C § ~~1500.11~~ 1507.2, the Inclusionary Zoning requirements, modifications, and bonus density of Subtitle C, Chapter 10 shall not apply to the NC-6 zone.

Section 703, HEIGHT, of Chapter 7, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONE — NC-6, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

703.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the NC-6 zone shall be forty-five feet (45 ft.).

703.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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).

Section 803, HEIGHT, of Chapter 8, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES — NC-7 AND NC-8, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

803.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the NC7 and NC-8 zones shall be as set forth in the following table:
...

803.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Section 903, HEIGHT, of Chapter 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 THROUGH NC-17, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

903.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the NC-9 through NC-17 zones shall be as set forth in the following table:
...

903.2 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

The title of § 4902, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

4902 PENTHOUSES OR ROOFTOP STRUCTURES

Section 4902, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended as follows:

4902.1 Penthouses and rooftop structures 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 schools 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.

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

Subsection 201.1 of § 201, HEIGHT, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

201.1 Unless otherwise noted in Subtitle I § 201.4, the maximum permitted building height, not including the penthouse **or rooftop structure**, shall be that specified in the **applicable** zone ~~in which it is located~~.

The title of § 214, PENTHOUSES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

214 PENTHOUSES OR ROOFTOP STRUCTURES

Subsection 214.1 of § 214, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

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

Subsections 503.1 and 503.3 through 503.5 of § 503, HEIGHT (D-1-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

503.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-1-R zone shall be ninety feet (90 ft.).

...

503.3 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-1-R zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

503.4 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse

habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

- 503.5 The maximum permitted building height, not including the penthouse **or rooftop structure**, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 503.3, shall be the width of the street right-of-way, plus twenty feet (20 ft.).

Section 510, HEIGHT (D-2), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

- 510.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-2 zone shall be one hundred feet (100 ft.) for a building subject to Inclusionary Zoning by Subtitle C, Chapter 10, and ninety feet (90 ft.) for all other buildings.
- 510.2 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-2 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.
- 510.3 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.
- 510.4 The maximum permitted building height, not including the penthouse **or rooftop structure**, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right-of-way, plus twenty feet (20 ft.).

Section 517, HEIGHT (D-3), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

- 517.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-3 zone shall be one hundred ten feet (110 ft.), subject to review and restrictions pertinent to the Capitol Security Sub-Area regulated by Subtitle I § 605, for Squares ~~574, 577, 579, 581, 582~~, 625, 626, 628, 630, 631, ~~574, 577, 579, 581, 582~~, 640, and 64; and for a building with frontage on North Capitol Street, to the requirements ~~for~~ **of** the North Capitol Street Sub-Area regulated by Subtitle I § 617.

517.2 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-3 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

517.3 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

517.4 The maximum permitted building height, not including the penthouse **or rooftop structure**, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § ~~510.2~~ **517.2**, shall be the width of the street right-of-way, plus twenty feet (20 ft.).

Subsections 525.1, 525.3, and 525.5 of § 525, HEIGHT (D-4), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

525.1 With the exception of a building meeting the requirements of Subtitle I § 525.2, the maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-4 zone shall be ninety feet (90 ft.), unless the building does not have frontage on a street with a right-of-way width of at least ninety feet (90 ft.), in which case the maximum permitted building height, not including the penthouse **or rooftop structure**, shall be the width of the street right-of-way, plus twenty feet (20 ft.).

...

525.3 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-4 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

...

525.5 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 523.1, 532.4, and 532.5 of § 532, HEIGHT (D-4-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

532.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-4-R zone shall be as follows:

Street Right-of-Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

...

532.4 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-4-R zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

532.5 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 540.1, 540.3, and 540.5 of § 540, HEIGHT (D-5), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

540.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-5 zone shall be as follows:

Street Right-of-Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

...

540.3 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-5 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

...

540.5 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 548.1, 548.3, and 548.4 of § 548, HEIGHT (D-5-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

548.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the D-5-R zone shall be as follows:

Street Right-of-Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

...

548.3 The maximum permitted building height, not including the penthouse or rooftop structure, in the D-5-R zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

548.4 The maximum permitted height of a penthouse or rooftop structure shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 556.1 and 556.3 of § 556, HEIGHT (D-6), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

556.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the D-6 zone shall be as follows:

Street Right-of-Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

...

556.3 The maximum permitted height of a penthouse or rooftop structure shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 563.1 and 563.3 of § 563, HEIGHT (D-6-R), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

563.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-6-R zone shall be as follows:

Street Right-of-Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

...

563.3 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 570.1, 570.2, and 570.4 of § 570, HEIGHT (D-7), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

570.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-7 zone on a lot fronting on Pennsylvania Avenue, N.W. between 10th and 15th Streets, N.W. shall be one hundred sixty feet (160 ft.), subject to the Pennsylvania Avenue ~~sub-area~~ **Sub-Area** regulations in Subtitle I § 608.

570.2 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-7 zone shall be one hundred-thirty feet (130 ft.) on a lot fronting on Pennsylvania Avenue, N.W. between 9th and 10th Streets, N.W. shall be hundred -thirty feet (130 ft.), subject to the Pennsylvania Avenue ~~sub-area~~ **Sub-Area** regulations in Subtitle I § 608.

...

570.4 Subject to any provisions of the Pennsylvania Avenue Development Corporation General Guidelines and Uniform Standards of 1974 as amended, where applicable, the maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 577.1, 577.2, and 577.4 of § 577, HEIGHT (D-8), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

577.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the D-8 zone shall be as follows:

Street Right-of-Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

577.2 The maximum permitted building height, not including the penthouse **or rooftop structure**, for a project that includes land within a street right-of-way that has been closed by action of the Council of the District of Columbia and that has not been incorporated into the District of Columbia official highway plan shall be one hundred ten feet (110 ft.) unless otherwise permitted by the Zoning Commission as provided for in Subtitle I § 581.

...

577.4 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.). The maximum permitted number of stories for penthouse habitable space shall be one (1) plus a mezzanine, except a second story shall be permitted for penthouse mechanical space.

Subsections 581.2 and 581.3 of § 581, SPECIAL EXCEPTIONS (D-8), of Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

581.2 The reviewing body shall consider whether the proposed project – including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation – will help achieve the objectives of the Maryland Avenue Small Area Plan approved June 26, 2012, and its related or successor plans. The objectives to be considered include:

- (a) Building height, mass, and siting ...

...

- (g) ~~Rooftop structures, architectural~~ **Architectural** embellishments, ~~and penthouses, and rooftop structures,~~ should be carefully located and designed to not compete with the architectural features of the Smithsonian Institution’s original building when viewed from its center point on the National Mall and from 10th Street, S.W.

581.3 Construction or substantial renovation of a building or structure that would include an area restricted by Subtitle I § 575.2 may be permitted only if the Zoning Commission has given approval as a special exception under Subtitle X, Chapter 9, subject to the following determinations:

- (a) The exclusion of the property, right-of-way, or ...

...

(c) The proposed building, and any height in excess of one hundred ten feet (110 ft.), not including a penthouse or rooftop structure, would be consistent with the criteria established for review in Subtitle I § 581.3:

~~(3)~~ (1) Contain(s) only residential uses or arts uses ...

~~(4)~~ (2) Is consistent with the criteria established ...

...

Paragraph (c) of § 618.5 of § 618, INDEPENDENCE AVENUE, of Chapter 5, LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS, of Subtitle I, DOWNTOWN (D) ZONES, are proposed to be amended, to read as follows:

618.5 A building or structure with frontage on Independence Avenue, S.W. in the sub-area:

(a) Shall have a building setback of ...

...

(c) Shall setback any penthouse or rooftop structure at a two-to-one (2:1) ratio from each exterior wall of the roof upon which it is located;

...

The title of § 4902, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

4902 PENTHOUSES OR ROOFTOP STRUCTURES

Section 4902, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be amended, to read as follows:

4902.1 Penthouses and rooftop structures 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 schools 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.

X. Proposed Amendments to Subtitle J PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

The title of § 106, PENTHOUSES, of Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

106 PENTHOUSES AND ROOFTOP STRUCTURES

Subsection 106.1 of § 106, PENTHOUSES AND ROOFTOP STRUCTURES, of Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

106.1 Penthouses and rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.

Subsections 203.1 and 203.3 through 203.6 of § 203, HEIGHT, of Chapter 2, DEVELOPMENT STANDARDS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, are proposed to be amended, to read as follows:

203.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the PDR zones shall be as set forth in the following table:

TABLE J § 203.1: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height (Feet) (ft.)
...	...

...

203.3 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) not including the penthouse or rooftop structure, 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 low in elevation.

203.4 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure, 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.

203.5 In the PDR-6 or PDR-7 zone, any building proposed to exceed sixty-five feet (65 ft.) in height, not including the penthouse or rooftop structure, shall be approved by the Board of Zoning Adjustment pursuant to the special exception criteria of

Subtitle X, Chapter 9. The applicant for a special exception under this subsection shall demonstrate that the building will not degrade or obstruct views and vistas from the historic fortification of Fort Totten.

203.6 The maximum permitted height of a penthouse or rooftop structure shall be as set forth in the following table:

TABLE J § 203.6: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

The title of § 4902, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

4902 PENTHOUSES OR ROOFTOP STRUCTURES

Section 4902, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

4902.1 Penthouses and rooftop structures 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 schools 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.

XI. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Subsections 200.11 through 200.13 of § 200, GENERAL PROVISIONS (SEFC), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

200.11 Penthouses and rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in each zone of this chapter.

200.12 The Inclusionary Zoning (IZ) requirements, and the available IZ modifications and bonus density, shall apply to the SEFC zones except for:

- (a) Properties subject to a land disposition or other agreement with the District of Columbia that mandates the provision of affordable housing; provided that these properties shall be subject to IZ requirements for new penthouse habitable space as described in Subtitle C § ~~1500.11~~ 1507.2; and

(c) Penthouses **and rooftop structures** in residential rental buildings.

200.13 The matter-of-right height, penthouse **and rooftop structure** height, and floor area ratio limits shall serve as the maximums permitted building height, penthouse **and rooftop structure** height, and floor area ratio for a planned unit development (PUD) for each SEFC zone.

Subsections 203.1 and 203.4 of § 203, HEIGHT (SEFC-1), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read, to read as follows:

203.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the SEFC-1 zones shall be on hundred and ten feet (110 ft.), except that:

(a) The maximum permitted building height ...

(b) An additional twenty feet (20 ft.) of building height ...

...

~~203.3 [DELETED]~~

~~203.4~~ **203.3** The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.) and the maximum number of stories ~~within the penthouse~~ shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 215.1 and 215.4 of § 215, HEIGHT (SEFC-2), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

215.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the SEFC-2 zone shall be one-hundred and ten feet (110 ft.).

...

215.4 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.) and the maximum number of stories ~~within the penthouse~~ shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 223.1 and 223.4 of § 223, HEIGHT (SEFC-3), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

223.1 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the SEFC-3 zone shall be ninety feet (90 ft.).

...

223.4 The maximum permitted height of a penthouse or rooftop structure shall be twenty feet (20 ft.) and the maximum number of stories ~~within the penthouse~~ shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 231.1 and 231.3 of § 231, HEIGHT (SEFC-4), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

231.1 The maximum permitted building height, not including the penthouse or rooftop structure, in the SEFC-2 zone shall be forty feet (40 ft.).

...

231.3 The maximum permitted height of a penthouse or rooftop structure shall be twelve feet (12 ft.) except that a height of fifteen feet (15 ft.) shall be permitted for penthouse mechanical space; and the maximum number of stories ~~within the penthouse~~ shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Paragraph (c) of § 300.1 of § 300, GENERAL PROVISIONS (USN), of Chapter 3, UNION STATION NORTH ZONE - USN, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

300.1 The purposes of the USN zone are to:

- (a) Implement the Comprehensive Plan ...

...

- (c) Provide a suitable visual relationship to surroundings by ensuring the provision of exemplary architecture for any building in the USN zone, and encouraging upper story setbacks and minimized penthouses and rooftop structures;

...

Subsection 305.1 of § 305, HEIGHT (USN), of Chapter 3, UNION STATION NORTH ZONE - USN, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

305.1 The maximum permitted building height, not including the penthouse or rooftop structure, shall not exceed one hundred thirty feet (130 ft.), except that:

- (a) The maximum permitted building height, not including the penthouse or rooftop structure, of any portion of a building or structure that is both north of the centerline of Eye Street and east of a north-south line located two

hundred feet (200 ft.) west of the eastern boundary of Lot 7002 in Square 717 shall not exceed ninety feet (90 ft.);

...

- (d) The maximum permitted building height, not including the penthouse **or rooftop structure**, of any portion of a building or structure that is both north of the southern property line of Lot 7000 in Square 720 and south of a parallel line one hundred fifty feet (150 ft.) from the southern property line (as that area is depicted in Figure K § 305.1) shall not exceed ninety feet (90 ft.);

...

- (e) The maximum permitted building height, not including the penthouse **or rooftop structure**, of any portion of a building or structure that is both north of a line parallel to and one hundred fifty feet (150 ft.) from the southern property line of Lot 7000 in Square 720 and south of a parallel line three hundred feet (300 ft.) from the southern property line (as that area is depicted in Figure K § 305.1) shall not exceed one hundred ten feet (110 ft.);

...

The title of § 306, PENTHOUSES (USN), of Chapter 3, UNION STATION NORTH ZONE - USN, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

306 PENTHOUSES AND ROOFTOP STRUCTURES USN

Section 306, PENTHOUSES AND ROOFTOP STRUCTURES (USN), of Chapter 3, UNION STATION NORTH ZONE - USN, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

- 306.1 Penthouses **and rooftop structures** shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle K § 306.2.
- 306.2 The maximum permitted height of a penthouse **or rooftop structure** shall be twenty feet (20 ft.), and the maximum number stories within the penthouse **or rooftop structure** shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 403.5 of § 403, HEIGHT (HE), of Chapter 4, HILL EAST ZONES - HE-1 THROUGH HE-4, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

- 403.4 Penthouses **and rooftop structures** shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle K § 403.5.

403.5 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 K § 403.5: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone District	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

403.6 The ~~matter-of-right~~ height shall serve as the maximum permitted height, penthouse and rooftop structure height, and floor area ratio for a PUD.

Subsection 500.5 of § 500, GENERAL PROVISIONS (CG), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

500.5 Penthouses and rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in each zone of this subtitle.

Subsections 501.4 and 501.5 of § 501, DEVELOPMENT STANDARDS (CG-1), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

501.4 The maximum permitted building height, not including the penthouse or rooftop structure, in the CG-1 zone shall be ninety feet (90 ft.). Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

501.5 The maximum permitted height of a penthouse or rooftop structure in the CG-1 zone shall be twenty feet (20 ft.), and the maximum number of stories ~~within the penthouse~~ shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 502.4 and 502.5 of § 502, DEVELOPMENT STANDARDS (CG-2), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

502.4 The maximum permitted building height, not including the penthouse or rooftop structure, in the CG-2 zone shall be ninety feet (90 ft.) or one hundred and ten feet (110 ft.) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10. Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

502.5 The maximum permitted height of a penthouse **or rooftop structure** in the CG-2 zone shall be twenty feet (20 ft.), and the maximum number of stories **within the penthouse** shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 503.4 and 503.5 of § 503, DEVELOPMENT STANDARDS (CG-3), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

503.4 The maximum permitted building height, not including the penthouse **or rooftop structure**, in the CG-3 zone shall be ninety feet (90 ft.). Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

503.5 The maximum permitted height of a penthouse **or rooftop structure** in the CG-3 zone shall be twenty feet (20 ft.), and the maximum number of stories **within the penthouse** shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 504.4 and 504.5 of § 504, DEVELOPMENT STANDARDS (CG-4), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

504.4 The maximum permitted building height in the CG-4 zone shall be as follows:

(a) The maximum permitted building height, not including the penthouse **or rooftop structure**, in the CG-4 zone shall be ninety feet (90 ft.) and one-hundred feet (100 ft.) with **Inclusionary Zoning (IZ)**; and

(b) ~~Maximum~~ **The maximum** permitted building height, not including the penthouse **or rooftop structure**, shall be that permitted under the Height Act for any site utilizing the residential bonus density of Subtitle K § 504.3(b); or receiving combined lot density pursuant to Subtitle K § 504.3(f) but only to the extent necessary to accommodate any additional density received from another parcel:

(1) Subtitle K § 510 contains design-related conditions ...
...

504.5 The maximum permitted height of a penthouse **or rooftop structure** in the CG-4 zone shall be twenty feet (20 ft.), and the maximum number of stories **within the penthouse** shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 505.4 and 505.5 of § 505, DEVELOPMENT STANDARDS (CG-5), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

505.4 Height requirements for the CG-5 zone are as follows:

- (a) The maximum permitted building height, not including the penthouse or rooftop structure, in the CG-5 zone shall be sixty feet (60 ft.) and eighty feet (80 ft.) with Inclusionary Zoning (IZ);

...

505.5 The maximum permitted height of a penthouse or rooftop structure in the CG-5 zone shall be twelve feet (12 ft.), except that a height of fifteen feet (15 ft.) shall be permitted for penthouse mechanical space; and the maximum number of stories ~~within the penthouse~~ shall be one (1) plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsection 601.3 of § 601, DEVELOPMENT STANDARDS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

601.3 Except as provided in this chapter, the density, height of a building, or structure, not including the penthouse or rooftop structure, lot occupancy, front setback, and rear yard in a StE zone shall not exceed or be less than that set forth in Subtitle K §§ 602 through 606.

Section 603, HEIGHT (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

603.1 The maximum permitted building height, not including the penthouse or rooftop structure, as well as the maximum permitted penthouse or rooftop structure height and number of stories, in the StE zones shall be given in the following table:

TABLE K § 603.1: MAXIMUM PERMITTED BUILDING HEIGHT, PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT, AND PENTHOUSE AND ROOFTOP STRUCTURE STORIES

Zone	Maximum Building Height (ft.)	Maximum Penthouse <u>or Rooftop Structure</u> Height (ft.)	Maximum Penthouse <u>or Rooftop Structure</u> Stories
...

603.2 ~~Maximum~~ The maximum permitted building height and penthouse and rooftop structure height within the StE-7 zone is as follows:

- (a) For a distance of two hundred fifty feet (250 ft.) measured from the north property line bounding Cypress Street, S.E., the maximum permitted building height, not including the penthouse or rooftop structure, shall be eighty feet (80 ft.) and the maximum permitted height of the penthouse or rooftop structure shall be twenty feet (20 ft.), and the maximum number of stories ~~within the penthouse~~ shall be one (1), except that a second story for penthouse mechanical space shall be permitted; and
- (b) For the remainder of this parcel, the maximum permitted height shall be fifty feet (50 ft.); and the maximum permitted height of a penthouse or rooftop structure shall be twelve feet (12 ft.), except that a height of 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 that a second story for penthouse mechanical space shall be permitted.

603.3 The maximum permitted building height, not including the penthouse or rooftop structure, for any portion of a building shall be as follows based on the building's distance from the property's distance from the property line along Martin Luther King Jr. Avenue:

- (a) For a distance of two hundred thirty feet (230 ft.) or less, the maximum permitted building height, not including the penthouse or rooftop structure, shall be forty feet (40 ft.);
- (b) For a distance of more than two hundred thirty feet (230 ft.) and less than five hundred sixty feet (560 ft.), the maximum permitted building height, not including the penthouse or rooftop structure, shall be eighty feet (80 ft.); and
- (c) For a distance of five hundred sixty feet (560 ft.) or more, the maximum permitted building height, not including the penthouse or rooftop structure, shall be ninety feet (90 ft.).

The title of § 611, PENTHOUSES (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

611 PENTHOUSES OR ROOFTOP STRUCTURES (STE)

Section 611, PENTHOUSES OR ROOFTOP STRUCTURES (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

611.1 Penthouses or rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in each zone of this subtitle.

The title of § 702, HEIGHT AND PENTHOUSE REGULATIONS (RC), of Chapter 7, REED-COOKE ZONES - RC-1 THROUGH RC-3, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

702 HEIGHT AND PENTHOUSE AND ROOFTOP STRUCTURE REGULATIONS (RC)

Section 702, HEIGHT AND PENTHOUSE AND ROOFTOP STRUCTURE REGULATIONS (RC), of Chapter 7, REED-COOKE ZONES - RC-1 THROUGH RC-3, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, are proposed to be amended, to read as follows:

- 702.1 The maximum permitted building height, not including the penthouse or rooftop structure, in a RC zone shall not exceed that given in the following table: ...
- 702.2 In the RC-3 zone, a building shall be permitted a maximum height of fifty feet (50 ft.), not including the penthouse or rooftop structure, provided fifty percent (50%) of the additional gross floor area made possible by the height bonus is devoted to Inclusionary Units.
- 702.3 Penthouses or rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle K § 702.4.
- 702.4 The maximum permitted height of a penthouse or rooftop structure, except as ~~prohibited on~~ limited in Subtitle C § 1501 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 K § 702.4: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

The title of § 803, HEIGHT AND PENTHOUSE REGULATIONS (ARTS), of Chapter 8, MIXED-USE-UPTOWN ARTS ZONES - ARTS-1 THROUGH ARTS-4, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is proposed to be amended, to read as follows:

803 HEIGHT AND PENTHOUSE AND ROOFTOP STRUCTURE REGULATIONS (ARTS)

Subsections 803.1 and 803.3 through 803.5 of § 803, HEIGHT AND PENTHOUSE AND ROOFTOP STRUCTURE REGULATIONS (ARTS), of Chapter 8, MIXED-USE-UPTOWN ARTS ZONES - ARTS-1 THROUGH ARTS-4, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

803.1 Except as provided in this section, the maximum permitted building height, not including the penthouse or rooftop structure, shall be as set for in the following table: ...

...

803.3 In the underlying ARTS-3 zone, a building may be constructed in excess of the height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five (75 ft.), provided:

(a) No penthouse or rooftop structure permitted by this title shall exceed a height of eighty-three and one-half feet (83.5 ft.) above the measuring point used for the building; and

(b) If a lot abuts either a R, RF, or RA zone or an alley that serves ...

803.4 In the ARTS-4 zone, if a building is located on a lot that abuts a street, an alley, or a zone district boundary with a R, RF, or RA zone, no part of the building, including the penthouse or rooftop structure, shall project above a plane drawn at a forty-five degree (45°) angle from a line located sixty-five feet (65 ft.) directly above the property line on each such street, alley, or zone district boundary line.

803.5 Penthouses or rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations set forth in the following table:

TABLE K § 803.5: MAXIMUM PERMITTED PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

The title of § 911, HEIGHT AND PENTHOUSES (WR) of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

911 HEIGHT AND PENTHOUSES AND ROOFTOP STRUCTURES (WR)

Subsections 911.3 and 911.4 of § 911, HEIGHT AND PENTHOUSES AND ROOFTOP STRUCTURES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

911.3 Penthouses or rooftop structure shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle C § 911.4.

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

TABLE K § 911.4: TABLE OF PENTHOUSE OR ROOFTOP STRUCTURE STANDARDS

Zone District	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Subsections 920.1 and 920.13 of § 920, HEIGHT AND PENTHOUSES AND ROOFTOP STRUCTURES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, are proposed to be amended, to read as follows:

920.1 Affordable housing shall be provided as described in this section. The provisions of Subtitle C, Chapter 10, shall not apply, with the exception of the relevant penthouse habitable space affordable housing provisions pursuant to Subtitle C § ~~1500.11~~ 1507.2.

...

920.13 Affordable units, in addition to the other requirements of this section, arising from penthouse affordable space pursuant to Subtitle C §§ ~~411.16 and 411.17~~ 1507.1 and 1507.2 shall be provided in accordance with the relevant provisions of Subtitle C, Chapter 10, for residential penthouse habitable space or Subtitle C § ~~414~~ 1507 for non-residential penthouse space, except that such unit may be located anywhere within the area covered by any WR zone.

Subsection 1000.5 of § 1000, GENERAL PROVISIONS (NHR), of Chapter 10, NORTHERN HOWARD ROAD (NHR) ZONE, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

1000.5 Penthouses and rooftop structures shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in this chapter.

Subsections 1001.4 and 1001.5 of § 1001, DEVELOPMENT STANDARDS (NHR), of Chapter 10, NORTHERN HOWARD ROAD (NHR) ZONE, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

1001.4 The maximum permitted building height, not including the penthouse or rooftop structure, in the NHR zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse <u>or Rooftop Structure</u>
...	...

1001.5 The maximum permitted height of a penthouse of rooftop structure in the NHR zone shall be twenty feet (20 ft.); and the maximum number of stories ~~within the penthouse~~ shall be one (1), plus a mezzanine, except that a second story for penthouse mechanical space shall be permitted.

Subsections 1002.6 of § 1002, INCLUSIONARY ZONING (NHR), of Chapter 10, NORTHERN HOWARD ROAD (NHR) ZONE, of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended, to read as follows:

1002.6 Any non-residential penthouse habitable space shall be subject to the affordable housing production requirements of Subtitle C § ~~1505~~ 1507.1.

Section 4903, HEIGHT, of Chapter 49, PUBLIC SCHOOLS, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

4903.1 The maximum permitted building height, not including the penthouse or rooftop structure, shall be as set forth in the following table: ...

The title of § 4904, PENTHOUSES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle K, SPECIAL PURPOSES ZONES, is proposed to be amended, to read as follows:

4904 PENTHOUSES OR ROOFTOP STRUCTURES

Section 4904, PENTHOUSES OR ROOFTOP STRUCTURES, of Chapter 49, PUBLIC SCHOOLS, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended, to read as follows:

4904.1 Penthouses and rooftop structures 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 schools 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.

XII. Proposed Amendments to Subtitle U, USE PERMISSIONS

Subsection 100.5 of § 100, GENERAL USE PROVISION, of Chapter 1, USE PERMISSIONS, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

100.5 Uses permitted within a penthouse or rooftop structure shall be in accordance with Subtitle C § ~~1500.3~~ 1501.

Section 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

301.1 The following uses shall be permitted as a matter-of-right in an RF zone subject to any applicable conditions:

(a) Any use permitted in the R zones ...
...

(g) A multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, 2589, in existence as of December 14, 2015, with a valid certificate of occupancy, or a building permit application that was officially accepted by DCRA as being complete prior to December 14, 2015, provided that the multiple dwelling shall not be expanded in gross floor area, lot occupancy, number of stories, building height, penthouse or rooftop structure height, or number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered.
...

301.2⁸ Conversion of an existing non-residential building or structure to an apartment house shall be permitted as a matter-of-right in an RF-1, RF-2, or RF-3 zone subject to the following conditions:

(a) The building or structure to be converted is in existence ...
...

(f) Any addition, including a ~~roof structure or~~ penthouse or rooftop structure, shall not block or impeded 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;

(g) Any addition, including a ~~roof structure or~~ penthouse or rooftop structure, 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 meaning:

(1) “Significantly interfere” shall mean ...
...

Subsection 320.2 of § 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

320.2⁹ Conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1,

⁸ Paragraphs (f) and (g) of Subtitle U § 301.2 are proposed to be deleted in the Notice of Proposed Rulemaking in Z.C. Case no. 19-21 published in the June 16, 2020, *D.C. Register*.

⁹ Paragraphs (f) and (g) of Subtitle U § 320.2 are proposed to be deleted in the Notice of Proposed Rulemaking in Z.C. Case No. 19-21 published in the June 16, 2020, *D.C. Register*.

RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:

- (a) The maximum height of the residential building ...
- ...
- (f) Any addition, including a ~~roof structure or~~ penthouse or rooftop structure, shall not block or impeded 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;
- (g) Any addition, including a ~~roof structure or~~ penthouse or rooftop structure, 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 meaning:
 - (1) “Significantly interfere” shall mean ...
 - ...

XIII. Proposed Amendments to Subtitle X GENERAL PROCEDURES

Subsections 303.7 and 303.18 of § 303, PLANNED UNIT DEVELOPMENT FLEXIBILITY, of Chapter 3, PLANNED UNIT DEVELOPMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended, to read as follows:

303.7 Except as permitted for a penthouse or rooftop structure pursuant to Subtitle X § 303.18, no building or structure shall exceed the maximum PUD height permitted in the least restrictive zone district within the PUD site as set forth in the following table; provided, that the Zoning Commission may authorize the deviations permitted pursuant to Subtitle X § 303.10: ...

...

303.10 The Zoning Commission may authorize the following increases; provided, that the increase is essential to the successful functioning of the project and consistent with the purposes and evaluation standards of this chapter:

- (a) An increase of not more than five percent (5%) in the maximum building height but not the maximum penthouse or rooftop structure height; or
- (b) An increase of not more than ...

...

303.18 The matter-of-right penthouse **or rooftop structure** height and number of story limits shall serve as the maximum permitted penthouse **or rooftop structure** height and stories for a PUD except in the following zones: ...

TABLE X § 303.18: MAXIMUM PUD PENTHOUSE OR ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse Height (ft.)	Maximum Penthouse Stories
...

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This virtual public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking.

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 **required that all written testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public 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, **provided that all written comments be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** 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。

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

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

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

TIME AND PLACE: **Thursday, November 30, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-20 (Office of Planning - Text Amendment to Subtitles I and U for Animal Care and Animal Sales Requirements)

THIS CASE IS OF INTEREST TO ALL ANCs

On September 4, 2020, the Office of Planning (“OP”) filed a petition to the Zoning Commission (the “Commission”) proposing to amend the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

- Subtitle I, Downtown Zones - §§ 302, 303
- Subtitle U, Use Permissions - §§ 507, 508, 510, 512, 513, 516, 517, 518, & 519

OP proposed the text amendment to:

- Permit Animal Care and Animal Sales uses within mixed-use buildings by special exception without current requirement that such uses are separated from residential uses by one floor of non-residential uses;
- Correct Animal Care uses missing from Z.C. Case Nos. 05-21A and 14-10; and
- Allow Pet Grooming Establishment uses with no boarding or overnight stays permissible as a matter-of-right use for MU-Use Groups C through G.

At its September 4, 2020, public meeting, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and 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 complete record in the case can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 20, *How to participate as a witness – written statements*.)

PROPOSED TEXT AMENDMENT

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

I. Proposed Amendments to Subtitle I, DOWNTOWN ZONES

Subsection 302.2 of § 302, USES PERMITTED AS A MATTER OF RIGHT, of Chapter 3, GENERAL ZONE-BASED REQUIREMENTS AND CONDITIONS, of Subtitle I, DOWNTOWN ZONES, is proposed to be revised to add new paragraphs (e) and (g) and renumber alphabetically, and to update cross-references, to read as follows:

302.2 The following uses shall be permitted as a matter of right, subject to **the applicable** conditions:

- ~~(f)~~ **(a)** Financial Services in all zones except for ...²
- ~~(a)~~ **(b)** Firearms sales, in all zones other than the D-1-R zone, subject to the conditions ~~listed~~ **applicable to those uses** in Subtitle U § 512.1~~(f)~~**(h)**;
- ~~(b)~~ **(c)** Massage administration in any establishment ...
- ~~(d)~~ **(c)** Motor vehicle-related uses in all zones except for the D-1-R and ...
- ~~(e)~~ **(d)** Motorcycle sales and repair, in all zones except for the D-1-R, D-2, and D-4 zones, subject to the conditions in Subtitle U § 515.1~~(i)~~**(k)**;
- (e)** **Pet grooming establishment, in any D zone except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle § 608;**
- ~~(e)~~ **(f)** Production, distribution, and repair uses ...
- (g)** **Except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle § 608, veterinary office or veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business.**

Subsection 303.1 of § 303, USES PERMITTED BY SPECIAL EXCEPTION), of Chapter 3, GENERAL ZONE-BASED REQUIREMENTS AND CONDITIONS, of Subtitle I,

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

DOWNTOWN ZONES, is proposed to be revised renumber alphabetically and update cross-references, to read as follows:

- 303.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following applicable provisions:
- (a) ~~Animal~~ **Unless otherwise permitted as a matter of right, animal** care and boarding uses, ~~pet grooming establishments~~, and pet shops in any D zone except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle § 608, subject to the conditions **applicable to those uses in Subtitle U § 513.1(a)** and
 - (1) If animal boarding is provided ...
 - ...
 - (c) Large scale government uses;
 - ~~(f)~~ **(d)** Motor vehicle sales not meeting the conditions in Subtitle I § 302.2(d) in any D zone ...
 - (e) Motorcycle sales and repair in the D-4 zone, subject to the conditions **applicable to those uses** in Subtitle U § ~~511.1(i)~~ **515.1(k)**, except that sufficient parking shall be provided for employees and customers;
 - ~~(h)~~ **(f)** Retail services, general, in the D-2 zone, provided the uses shall be located on or below the ground floor of the building; ~~and~~
 - ~~(d)~~ **(g)** Large format retail uses subject to the conditions in Subtitle U § 511.1(j), except that sufficient parking shall be provided for employees and customers;
 - ~~(g)~~ **(h)** Sexually-oriented business establishment uses in any D zone other than the D-1-R zone, subject to the following additional conditions:
 - (1) The use shall not be located ...
 - ...
 - (4) The use shall not have an adverse impact on education, institutional, or government uses in the area; ~~and~~
 - (i) Veterinary offices, **veterinary hospitals**, or veterinary boarding hospitals, subject to the conditions **applicable to those uses** in Subtitle U §§ **512.1 and 513.1** in any D zones except for the D-1-R zone and the portions of the

D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle I § 608.

II. Proposed Amendment to Subtitle U, USES PERMISSIONS

Subsection 507.1 of § 507, MATTER-OF-RIGHT USES (MU-USE GROUP C), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new subparagraph (15) to paragraph (a) and reordering the paragraphs, to read as follows:

507.1 In addition to the uses permitted by Subtitle U § 501, the following uses shall be permitted in MU Use Group C as a matter of right subject to any applicable conditions:

(a) Any use within the following use categories:

(1) Agricultural ...

...

(14) Parks and recreation;

(15) Pet grooming establishment;

~~(15)~~ **(16)** Retail;

~~(16)~~ **(17)** Service uses, both financial and general; and

~~(17)~~ **(18)** Theater, either private or public, for the purpose of entertainment, assembly, and performing arts; and

(b) ~~Other accessory~~ **Accessory** uses customarily incidental ...

Subsection 508.1 of § 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by revising current paragraph (k), Veterinary office, and reordering the paragraphs alphabetically, to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

~~(k)~~ **(a)** Any use permitted as a matter of right in MU-Use Group C that does not comply with the required conditions for MU-Use Group C may apply for permission as a special exception, except for a drive-through operation as a principal or accessory use.;

- ~~(a)~~ **(b)** College or university use that is an academic institution ...
- ~~(b)~~ **(c)** Community-based institutional facilities ...
- ~~(c)~~ **(d)** Education (private) uses ...
- ~~(d)~~ **(e)** Emergency shelter ...
- ~~(e)~~ **(f)** Entertainment, assembly, and performing arts uses ...
- ~~(f)~~ **(g)** Medical care uses ...
- ~~(g)~~ **(h)** Miscellaneous uses ...
- ~~(h)~~ **(i)** Parking subject to a temporary surface parking lot ...
- ~~(i)~~ **(j)** Production, distribution, and repair uses ...
- ~~(j)~~ **(k)** Utility uses, subject to the following conditions:
 - (1) Any requirements for setbacks, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood; and
 - (2) Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping, and there shall be no advertisement on the structure; **and**
- ~~(k)~~ **(l)** Veterinary office, **veterinary** hospital, or **veterinary** boarding hospital subject to the following conditions:
 - (1) A veterinary **office, veterinary** hospital, or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary **office, veterinary hospital, or veterinary** boarding hospital may be devoted to the boarding of animals;
 - (3) The veterinary **office, veterinary** hospital, or veterinary boarding hospital shall be located and designated to create no objectionable conditions to **building residents or tenants, or to** adjacent properties resulting from animal noise, odor, or waste;

- (4) The veterinary office, veterinary hospital, or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:
- (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary office, veterinary hospital, or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; ~~and~~
- (6) Pet grooming, ~~and~~ the sale of pet supplies, ~~and incidental boarding of animals as necessary for convalescence~~, are permitted as accessory uses; and
- (7) The Board may waive or modify the condition of this section upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification.

Subsection 510.1 of § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new paragraph (v), Pet grooming establishment, and reordering the paragraphs, to read as follows:

510.1 The following uses shall be permitted in the MU-Use Group D as a matter-of-right subject to any applicable conditions:

(a) Any use permitted as matter of right in any R, RF, or RA zone, and any use permitted as a matter of right for MU-Use Group A;

...

(u) Parks and recreation;

(v) Pet grooming establishment;

~~(v)~~ **(w)** Retail, except for large format retail;

~~(w)~~ **(x)** Service uses, both financial and general subject to the following limitations:

(1) The uses do not involve installation of automobile accessories; ~~and~~

(2) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and

(3) ~~An~~ indoor storage facility not exceeding twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and

~~(x)~~ **(y)** ~~Other accessory~~ **Accessory** uses customarily incidental and subordinate to the uses permitted by this section.

Subsection 512.1 of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new paragraph (m), Veterinary hospital, and reordering the paragraphs alphabetically, to read as follows:

512.1 The following uses shall be permitted in the MU-Use Group E as a matter-of-right subject to any applicable conditions:

(a) Uses permitted as a matter of right in any R, RF, and RA zones, and all uses permitted as a matter of right for MU-Use Group D of this chapter, unless otherwise ~~modified by~~ **required as a special exception in** Subtitle U §§ 513 ~~and~~ **or not permitted by Subtitle U § 514;**

~~(b)~~ **(b)** An animal boarding use ...

~~(m)~~ **(c)** Automobile, truck, boat, or marine sales; and

~~(b)~~ **(d)** College or university uses ...

~~(e)~~ **[DELETED]**

- ~~(d)~~ (e) Eating and drinking establishments ...
- ~~(e)~~ (f) Education uses, private;
- ~~(f)~~ (g) Entertainment, assembly, and performing art uses ...
- ~~(g)~~ (h) Firearms retail sales establishments ...
- ~~(h)~~ (i) Gasoline service stations ...
- ~~(i)~~ (j) Optical transmission node;
- ~~(j)~~ (k) Retail uses ...
- ~~(k)~~ (l) Service (general) uses ...
- (m) **Veterinary office or veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business; and**
- ~~(n)~~ (n) ~~Other accessory~~ Accessory uses customarily incidental and subordinate to the uses permitted by this section.

Subsection 513.1 of § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by amending paragraphs (a), Animal care and animal sales uses, and (l), Veterinary office or hospital, or veterinary boarding hospital, and reordering the paragraphs alphabetically, to read as follows:

513.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the ~~provisions of this section~~ following conditions:

- ~~(n)~~ (a) Any uses permitted as a matter of right in MU-Use Group E that does not comply with the required conditions for MU-Use Group E may apply for permission as a special exception, except firearms retail sales establishment;
- ~~(m)~~ (b) Animal boarding uses not meeting the conditions of Subtitle U § 512.1~~(f)~~(b), subject to the following:
 - (1) The animal boarding use shall take place ...
 - ...

(9) The Board of Zoning Adjustment may impose additional requirements ... as the Board deems necessary to protect adjacent or nearby property; ~~and~~

~~(a)~~ (c) Animal care and animal sales uses, **not otherwise permitted as a matter of right or by special exception**, subject to the following conditions:

(1) When located in a nonresidential building ...

~~(2) When located in a mixed use building, the use shall not be on the same floor as a residential use and shall be horizontally separated from any residential use by at least one (1) floor of nonresidential use;~~

~~(3)~~ (2) The use shall be located and designed to create no objectionable conditions to **building residents or tenants, or to** adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, **solid core doors** and acoustical landscaping;

(3) Floor finish material, areas intended to be wet, and wall finish materials measured to a minimum height of forty-eight inches (48 in.) from the floor, shall be impervious and washable;

(4) External yards or other external facilities for the keeping of animals shall not be permitted, except that an Animal Shelter may have external yards or other external facilities for the keeping of animals which shall be entirely located a minimum of two hundred feet (200 ft.) from an existing residential use or residential zone; ~~and~~

(5) All animal waste shall be placed in closed waste disposal containers and ~~shall utilize~~ a qualified waste disposal company **shall be used** to collect and dispose of all animal waste at least weekly;

~~(6)~~ Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air [HEPA] filtration) or an equivalently effective odor control system;

(7) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits, buffers, 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

(8) The Board of Zoning Adjustment may waive or modify the conditions of this section upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification;

- ~~(b)~~ **(d)** Emergency shelter ...
- ~~(e)~~ **(e)** Fast food establishments ...
- ~~(d)~~ **(f)** Gasoline service station to be established ...
- ~~(e)~~ **(g)** Massage establishment ...
- ~~(f)~~ **(h)** Motorcycle sales and repair;
- ~~(g)~~ **(i)** Parking, for uses ...
- ~~(h)~~ **(j)** Retail uses ...
- ~~(i)~~ **(k)** Retail, large format, ...
- ~~(j)~~ **(l)** Service uses that are permitted with conditions, that do not comply with the prescribed conditions;
- ~~(k)~~ **(m)** Utilities uses, subject to the requirements for setbacks, screening, or other requirements, as the Board of Zoning Adjustment deems necessary for the protection of neighboring or adjacent property; **and**
- ~~(l)~~ **(n)** Veterinary ~~office or hospital, or veterinary~~ boarding hospital subject to the following conditions:
 - (1) A veterinary ~~hospital or veterinary~~ boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
 - (3) The veterinary ~~hospital or veterinary~~ boarding hospital shall be located and designated to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary ~~hospital or veterinary~~ boarding hospital shall not abut an existing residential use or a residential zone; unless the

existing residential use is in a mixed-use building and the applicant demonstrates that:

- (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary ~~hospital or veterinary~~ boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
 - (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; ~~and.~~

Subsection 515.1 of § 515, MATTER-OF-RIGHT USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by reordering the paragraphs alphabetically, to read as follows:

515.1 The following uses shall be permitted in MU-Use Group F as a matter of right, subject to any applicable conditions:

- (a) Uses permitted as a matter of right in any R, RF, and RA zones and all uses permitted as a matter of rights for MU-Use Group E of this chapter;
- ...
- ~~(e)~~ ~~[DELETED]~~
- ~~(f)~~ (e) Eating and drinking establishments with no restrictions;
- ~~(k)~~ (f) Electronic Equipment Facility (EEF) use under either or both ...
- (g) Emergency shelter;
- ~~(m)~~ ~~(h)~~ ~~In the MU-30 zone, a~~ A gasoline service station, only in the MU-30 zone, provided no portion of the structure or premises shall be located within twenty-five feet (25 ft.) of a R, RF, or RA zone unless separated from that R, RF, or RA zone by a street or alley; ~~and~~
- ~~(h)~~ (i) Laundry or dry cleaning establishment ...
- ~~(i)~~ (j) ~~In the MU-9 zone, any~~ An establishment that has a principal use the administration of massages, only in the MU-9 zone, provided that no portion of the establishment shall be located within two hundred feet (200 ft.) of a R, RF, or RA zone;
- ~~(i)~~ (k) Motorcycle sales and repair, only in the MU-9 zone, ...
- ~~(j)~~ (l) Printing, lithographing, or photoengraving establishment, with no limitation on gross floor area; and
- ~~(n)~~ ~~(m)~~ ~~Other accessory~~ Accessory uses customarily incidental and subordinate to the uses permitted by this section.

Subsection 516.1 of § 516, SPECIAL EXCEPTION USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by adding a new paragraphs (a), Animal care and animal sales uses, and (i), Veterinary boarding hospital, reordering the paragraphs alphabetically, and updating cross-references, to read as follows:

516.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the ~~provisions of this section~~ following conditions:

- ~~(h)~~ (a) Any use permitted as a matter of right in MU-Use Group F that does not comply with the required conditions for Use Group F may apply for permissions as a special exception, except firearms retail sales establishment;

- (b) Animal care and animal sales uses not otherwise permitted as a matter of right or special exception, subject to the following conditions:**
- (1) When located in a nonresidential building or on a property not zoned residential, the use shall not abut nor be closer than twenty-five feet (25 ft.) to any property line of an existing residential use or a residential zone;**
 - (2) The use shall be located and designed to create an objectionable conditions to building residents or tenants, or to adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, solid core doors and acoustical landscaping;**
 - (3) Floor finish material, areas intended to be wet, and wall finish materials measured to a minimum height of forty-eight inches (48 in.) from the floor, shall be impervious and washable;**
 - (4) External yards or other external facilities for the keeping of animals shall not be permitted, except that an Animal Shelter may have external yards or other external facilities for the keeping of animals which shall be entirely located a minimum of two hundred feet (200 ft.) from an existing residential use or residential zone;**
 - (5) All animal waste shall be placed in closed waste disposal containers and a qualified waste disposal company shall be used to collect and dispose of all animal waste at least weekly;**
 - (6) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air (HEPA) filtration) or an equivalently effective odor control system;**
 - (7) 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**
 - (8) The Board of Zoning Adjustment may waive or modify the conditions of this section upon a determination that there will be**

no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver of modification;

- ~~(e)~~ **(c)** An Electronic Equipment Facility (EEF) that does not qualify as a matter-of-right use under Subtitle U § 515.1~~(a)~~**(f)** subject to the requirements of this paragraph:
- (1) An EEF shall not occupy more than fifty percent (50%) ...
...
 - (3) In evaluating whether an EEF will have any of the adverse impacts described in **Subtitle U § 516.1~~(e)~~(2) this paragraph**, the Board of Zoning Adjustment shall consider ...
- ~~(g)~~ **(d)** Where not permitted as a matter or right, a gasoline service station to be established or enlarged, or a repair garage not including body or and fender work, subject to the following conditions:
- (1) The station shall not be located within twenty-five feet (25 ft.) ...
...
 - (3) Required parking spaces may be arranged so that not all spaces ... removal of any vehicles without moving any other vehicle onto public space; **and**
- ~~(d)~~ **(e)** Enlargement of an existing laundry or dry cleaning establishment ...
- (f) Where not permitted as a matter or right, any establishment that has as a principal use the administration of massages, subject to the following conditions:
- (1) No portion of the establishment shall be located ...
...
 - (4) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area;
- ~~(e)~~ **(g)** Public utility pumping station ...
- ~~(a)~~ **(h)** Retail, large format ...
- ~~(b)~~ **(i)** Sexually-oriented business establishment in the MU-9, MU-21, or MU-30 zone, subject to the following conditions:
- (1) No portion of the establishment shall be located within six hundred feet ...

...

- (7) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area; **and**

(i) Veterinary boarding hospital subject to the following conditions:

- (1) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);**

- (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;**

- (3) The veterinary boarding hospital shall be located and designated to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;**

- (4) The veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:**

- (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;**

- (B) The windows and doors of the space devoted to the veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;**

- (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;**

- (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;**

- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight**

inches (48 in.) from the floor, shall be impervious and washable;

(5) External yards or other external facilities for the keeping of animals shall not be permitted;

(6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

(7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and

(8) The Board of Zoning Adjustment may waive or modify the conditions of this section upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification; and.

Subsection 517.1 of § 517, MATTER-OF-RIGHT USES (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new paragraph (c), Pet grooming establishment use and renumbering, to read as follows:

517.1 The following uses shall be permitted in the MU-Use Group G as a matter-of-right subject to any applicable conditions:

(a) Uses permitted as a matter of right in any R, RF, and RA zones, and all uses permitted as a matter of right for MU-Use Group F of this chapter, unless required as a special exception in Subtitle U § 518 or not permitted by Subtitle U § 519;

(b) Health Care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; provided that the number of persons being cared for shall not exceed six (6); ~~and~~

(c) Pet grooming establishment; and

~~(e)~~ (d) Notwithstanding Subtitle U § 519, the following parking uses ...

(1) A temporary surface parking lot accessory to the Ballpark ...
...

- (4) Square 700, Lot 46, for a period of three (3) years maximum, beginning from the date of issuance of a certificate of occupancy for such use, with the three (3)-year period renewable by the Zoning Commission.

Subsection 518.1 of § 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by adding a new paragraph (n) and reordering the paragraphs, to read as follows:

518.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the ~~provisions of this section~~ following conditions:

~~(b)~~ (a) An antenna tower or monopole;

~~(a)~~ (b) Automobile or motorcycle sales or repair ...

...

(m) Utilities ...

(n) Veterinary boarding hospital, subject to the following conditions:

(1) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);

(2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;

(3) The veterinary boarding hospital shall be located and designated to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

(4) The veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:

(A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

- (B) The windows and doors of the space devoted to the veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
- (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
- (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;
- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses;
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and
- (8) The Board of Zoning Adjustment may waive or modify the conditions of this section upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification;

~~(n)~~ (o) Warehouse or wholesaler use; and

~~(o)~~ (p) Other uses neither identified as permitted or not permitted ...

Subsection § 519.1 of § 519, USES NOT PERMITTED (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by amending paragraph (r), Animal care and boarding, reordering paragraphs alphabetically, and updating a cross-reference to read as follows:

519.1 The following uses shall be specifically prohibited in MU-Use Group G:

- ~~(e)~~ (a) Any use first permitted in the PDR zone;
- ~~(r)~~ (b) Animal care and boarding except for a pet grooming, veterinary office, veterinary hospital, or veterinary boarding hospital; use;
- ~~(d)~~ (c) Car wash, as a principal use;
- ~~(e)~~ (d) Carting, express, moving, or hauling terminal or yard ...
- ~~(f)~~ (e) Chemical manufacturing, storage, or distribution;
- ~~(g)~~ (f) Drive-through operation as either a principal or accessory use;
- ~~(h)~~ (g) Enameling, plating, or painting (except artist's studio) as a principal use;
- ~~(i)~~ (h) Firearms retail sales establishments as a principal or an accessory use;
- ~~(j)~~ (i) Gasoline service station;
- ~~(b)~~ (j) Any industrial use prohibited in an PDR zone;
- ~~(a)~~ (k) Any establishment that has as a principal use the administration of massages;
- ~~(k)~~ (l) Material salvage;
- ~~(t)~~ (m) Outdoor advertising or billboard as a principal use;
- ~~(m)~~ (n) Outdoor material storage;
- ~~(n)~~ (o) Packing or crating operations as a principal use;
- ~~(o)~~ (p) Parking lot, except a temporary surface parking lot permitted pursuant to Subtitle U § 517.1~~(e)~~(d);
- ~~(p)~~ (q) Sexually-oriented business establishment; and
- ~~(q)~~ (r) Smelting or rendering; and.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with Subtitle Z, Zoning Commission Rule of Practice and Procedure - including the emergency rules adopted by the Commission on July 30,

2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking – as a rulemaking case under Subtitle Z, Chapter 5.

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 **required that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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

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

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

TIME AND PLACE: **Monday, December 7, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-21 (Office of Planning - Text Amendment to Subtitles A and K to Create New Barry Farm (BF) Zones)

THIS CASE IS OF INTEREST TO ALL ANCs

On September 4, 2020, the Office of Planning (“OP”) filed a petition to the Zoning Commission (the “Commission”) proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

- Subtitle A, Authority and Applicability – § 101.9
- Subtitle K, Special Purpose Zones – §§ 100, 101, and new Chapter 11

OP proposed the text amendment to create new zones applicable to the former Barry Farm Wade Road development (known as “Barry Farm”), pursuant to the Barry Farm/Park Chester/Wade Road Redevelopment Plan approved by the District of Columbia on December 19, 2006, in order to facilitate the redevelopment of Barry Farm to include:

- New replacement housing for former Barry Farm residents;
- New mixed-income housing in various unit types;
- Neighborhood retail and service uses;
- Green and open spaces; and
- Preservation and reuse of designated historic landmark buildings.

At its September 14, 2020 public meeting, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and 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 complete record in the case, including the OP Setdown Report and transcript of the public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 13, *How to participate as a witness – written statements.*)

PROPOSED TEXT AMENDMENT

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

I. Proposed Amendment to Subtitle A, AUTHORITY AND APPLICABILITY

Subtitle 101.9 of § 101.9, INTERPRETATION AND APPLICATION, of Chapter 1, INTRODUCTION TO TITLE 11, of Subtitle A, AUTHORITY AND APPLICABILITY, is proposed to be amended, to read as follows:

101.9 The following zone districts are considered residential zone districts:

- (a) R, Residential House ...
- ...
- (e) CG-1 Capital Gateway (multi-family); ~~and~~
- (f) D-1 Downtown (multi-family); and
- (g) BF Barry Farm.

II. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Chapter 1, INTRODUCTION TO SPECIAL PURPOSE ZONES, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended by adding a new § 100 and renumbering and modifying § 100 as § 101, to read as follows:

100 GENERAL PROVISIONS

100.1 Subtitle E 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 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.

100 101 GENERAL PROVISIONS PURPOSE AND INTENT

100.1 101.1 The purpose of the special purpose zones is to provide for single large sites that require a cohesive, self-contained set of regulations to guide site design, building height and bulk, land uses, or other aspects of development.

A new Chapter 11 is proposed to be added to Subtitle K, SPECIAL PURPOSE ZONES, of Subtitle K, SPECIAL PURPOSE ZONES, to read as follows:

CHAPTER 11 BARRY FARM ZONES – BF-1A THROUGH BF-2

1100 GENERAL PROVISIONS AND PURPOSE AND INTENT (BF)

1100.1 The purposes of the Barry Farm (BF) zones (BF-1 through BF-2) are to:

- (a)** Facilitate implementation of the Barry Farm/Park Chester/Wade Road Redevelopment Plan, which was approved as a small area plan by the Council of the District of Columbia on December 19, 2006, pursuant to the Barry Farm/Park Chestnut/Wade Road Redevelopment Plan Resolution of 2006 (Res 16-0922);
- (b)** Establish a vibrant mixed-use, mixed-income neighborhood where residents have quality housing options in a variety of configurations;
- (c)** Ensure the development of approximately 1,110 dwelling units, including approximately 380 affordable replacement units, within mid-rise apartment buildings, and attached and semi-detached single-family dwellings and flats;
- (d)** Encourage the development of neighborhood retail and service uses in the ground floor of mixed-use buildings fronting on Firth Sterling Avenue, SE; and
- (e)** Create open and green spaces suitable for passive private enjoyment and active community recreation and amenities.

1101 GENERAL DEVELOPMENT STANDARDS (BF)

1101.1 The development standards of this section and Subtitle K § 1102 apply to all BF zones except as modified for 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 standards shall still apply.

1101.2 A court is not required in a BF zone, but where provided, it shall have the following minimum dimensions:

TABLE K § 1101.2: MINIMUM COURT DIMENSIONS

<u>Type of Structure</u>	<u>Open Court Minimum Width</u>	<u>Closed Court Minimum Width</u>	<u>Closed Court Minimum Area</u>
<u>Detached, Semi-Detached, Row Dwellings, and Flats</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Residential, more than 3 units</u>	<u>2.5 inches per foot of height of court;</u> <u>10 ft. minimum</u>	<u>2.5 inches per foot of height of court;</u> <u>12 ft. minimum</u>	<u>Twice the square of the required closed court width;</u> <u>250 square ft. minimum</u>
<u>Non-residential and Lodging</u>	<u>2.5 inches per foot of height of court;</u> <u>6 ft. minimum</u>	<u>2.5 inches per foot of height of court;</u> <u>10 ft. minimum</u>	<u>Twice the square of the required closed court width;</u> <u>250 square ft. minimum</u>

1102 PENTHOUSES AND ROOFTOP STRUCTURES (BF)

1102.1 Unless otherwise modified in this section, penthouses or rooftop structures in BF zones shall be subject to the regulations of Subtitle C, Chapter 15.

1102.2 An apartment building in a BF zone other than the BF-2C zone shall be permitted to have a penthouse or rooftop structure with a maximum permitted height and stories of twelve feet (12 ft.) and one (1) story, with mechanical space limited to eighteen feet and six inches (18 ft., 6 in.) and two (2) stories.

1102.3 A detached, semi-detached, or row building with a single dwelling unit, or a flat in a BF zone other than the BF-2C zone shall be permitted to have a penthouse or rooftop structure that:

(a) Only contains either:

(i) Screening for mechanical equipment or a guard-rail required by the Construction Codes (Title 12 of the DCMR) for a roof deck; or

(ii) Stair or elevator access to the roof, and a maximum of thirty square feet (30 sq. ft.) of storage space ancillary to a rooftop deck; and

(b) Is no more than eleven feet (11 ft.) and one (1) story tall.

1102.4 Any building or structure located in the BF-2C zone shall be permitted a mechanical penthouse or rooftop structure with a maximum height of eighteen feet and six inches (18 ft. 6 in.).

1103 VEHICLE AND BICYCLE PARKING (BF)

1103.1 Unless otherwise modified by this section, vehicle and bicycle parking requirements for BF zones shall be as specified in Subtitle C, Chapters 7 and 8.

1103.2 Required vehicle parking spaces need not be located on the same lot as the building or building(s) that generates the requirement, subject to the following conditions:

- (a) The off-site location shall be located within the same block as the use for which the parking space is required;**
- (b) Parking spaces provided off-site shall not serve as required parking for any other use; and**
- (c) Each application to the Department of Consumer and Regulatory Affairs for a development that requires parking shall clearly demonstrate compliance with conditions (a) and (b) of this subsection.**

1103.3 Vehicle parking spaces shall not be required:

- (a) For uses permitted under Subtitle K §§ 1113.2(a) and (b) and 1113.3, regardless of zone; and**
- (b) For a building containing a single principal dwelling unit or flat if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum.**

1103.4 Vehicle parking spaces shall not be subject to the requirements of Subtitle C § 707.

1104 LOADING (BF)

1104.1 Loading shall be provided in accordance with the requirements of Subtitle C, Chapter 9.

1105 AFFORDABLE HOUSING (BF)

1105.1 Affordable housing shall be provided in the BF zones as described in this section. The provisions of Subtitle C, Chapter 10, shall not apply to the BF

zones, except that the relevant penthouse habitable space affordable housing provisions pursuant to Subtitle C § 1500.11² shall apply to the BF zones.

1105.2 The purposes of this section are to:

- (a)** Ensure the provision of a significant amount of affordable housing, including for very low-income households; and
- (b)** Ensure that the affordable housing is distributed throughout the BF zones.

1105.3 The FAR, lot occupancy, and height listed in the Development Standards for each BF zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of affordable units.

1105.4 The affordable housing requirement for the entire BF zones shall consist of no less than three hundred and eight (380) affordable dwelling units that shall be provided as D.C. Housing Authority replacement public housing units (Affordable Replacement Unit²), subject to the following:

- (a)** The Affordable Replacement Units shall be subject to and comply with the requirements of Subtitle C § 1001.6(a); and
- (b)** Each application for a building permit for a residential use for a property in a BF zone shall include the following information in tabular and map format of how the provisions of this section are being met:
 - (i)** The number of Affordable Replacement Units proposed to be constructed by the building permit application;
 - (ii)** The number of Affordable Replacement Units for which a building permit has been issued, together with the location and status of completion of each unit; and
 - (iii)** The number of Affordable Replacement Units that have yet to be provided, together with the planned location and the anticipated date of building permit application and construction of each remaining unit.

² Subtitle C § 1500.11 is proposed to be renumbered and revised by Z.C. Case No. 14-13E. The reference in this proposed text amendment will be updated to reflect any action by the Commission in that case.

1105.5 **Affordable units arising from penthouse habitable space pursuant to Subtitle C §§ 1500.11 and 1500.12³ shall be provided in accordance with the relevant provisions of Subtitle C, Chapter 10, for residential penthouse habitable space or Subtitle C § 1505⁴ for non-residential penthouse space, except that such units may be located anywhere within the BF zones.**

1106 **BF-1 ZONE**

1106.1 **The BF-1 zones are intended to:**

- (a) Permit moderate-density mixed-use development;**
- (b) Provide a range of neighborhood-serving retail, service, and commercial uses and multiple dwelling unit residential development.**
- (c) Create a vibrant mixed-use main street along Firth Sterling Avenue, S.E., that capitalizes on transportation improvements and new development at St. Elizabeths West Campus and provides new neighborhood-serving retail.**

1107 **DEVELOPMENT STANDARDS (BF-1)**

1107.1 **The development standards in Subtitle K §§ 1101 and 1102 shall apply to the BF-1 zones except as specifically modified by this section. In the event of a conflict between the provisions of this section and other regulations of this subtitle, the provisions of this section shall prevail.**

1107.2 **Except as elsewhere in this section, the development standards for each BF-1A and BF-1B zone shall be as set forth in the following table:**

TABLE K § 1107.2: BF-1 DEVELOPMENT STANDARDS

<u>BF-1 Zones</u>	<u>Total FAR</u>	<u>Non-Residential FAR</u>	<u>Height (ft.)</u>	<u>Lot Occupancy (Residential) (%)</u>	<u>Rear Yard (ft.)</u>
<u>BF-1A</u>	<u>4.0</u>	<u>1.0</u>	<u>65</u>	<u>80</u>	<u>15</u>
<u>BF-1B</u>	<u>6.0</u>	<u>1.0</u>	<u>65</u>	<u>80</u>	<u>15</u>

1107.3 **Unless otherwise limited by regulations governing courts, yards, and setbacks, lot occupancy on the first two (2) stories is permitted up to one hundred percent (100%), regardless of use.**

³ Subtitle C §§ 1500.11 and 1500.12 are proposed to be renumbered and revised by Z.C. Case No. 14-13E. The reference in this proposed text amendment will be updated to reflect any action by the Commission in that case.

⁴ Subtitle C § 1505 is proposed to be renumbered and revised by Z.C. Case No. 14-13E. The reference in this proposed text amendment will be updated to reflect any action by the Commission in that case.

1107.4 **A rear yard is required only above a horizontal plane located twenty feet (20 ft.) above the mean finished grade at the middle of the rear façade of the principal building and shall be measured as follows:**

(a) **Where a lot abuts a public or private street, the rear yard may be measured from the centerline of the street; or**

(b) **Where a lot abuts a public or private alley:**

(i) **The rear yard may be measured from the centerline of the alley; or**

(ii) **In lieu of the rear yard required by this subsection, a lot may provide a court complying with the width requirements for a closed court as specified in Subtitle K § 1101.2 located above the horizontal plane.**

1107.5 **A detached building with a single dwelling unit shall have two (2) side yards, each a minimum of five feet (5 ft.) in width.**

1107.6 **A semi-detached building with a single dwelling unit shall have one (1) side yard, a minimum of five feet (5 ft.) in width.**

1107.7 **A building or structure other than a detached or semi-detached building with a single dwelling unit is not required to provide a side yard; however, if a side yard is provided, it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of building height, but no less than five feet (5 ft.).**

1108 **USE PERMISSIONS (BF-1)**

1108.1 **Unless otherwise modified in this section, use permissions for the BF-1 zones are those of the MU-Use Group E of Subtitle U, Chapter 5, including uses permitted as a matter of right, as a special exception, or as an accessory use, and uses not permitted.**

1108.2 **A building in the BF-1 zones that has frontage along Firth Sterling Avenue, S.E., shall devote the equivalent of not less than fifty percent (50%) of its ground floor linear footage along Firth Sterling Avenue, S.E., at a continuous depth of at least twenty feet (20 ft.) in from the property line, regardless of where such uses are located to uses in the following preferred use categories:**

(a) **Arts, design, and creation;**

(b) **Daytime care;**

(c) **Eating and drinking establishments;**

(d) Retail; or

(e) Service, including both general and financial services.

1109 PROHIBITED USES (BF-1)

1109.1 The following uses are prohibited in the BF-1 zones as either a principal or accessory use:

(a) Drive-through;

(b) Firearms retail sales establishments;

(c) Gasoline service station or repair garage;

(d) Liquor store;

(e) Pawn shop; and

(f) Self-storage facility.

1110 GREEN AREA RATIO (GAR) (BF-1)

1110.1 A minimum GAR of 0.3 shall be required in the BF-1 zones.

1110.2 Exceptions from GAR shall be permitted if approved by the Zoning Commission as a special exception pursuant to Subtitle X, Chapter 9, and the conditions of Subtitle C § 605.

1111 BF-2 ZONES

1111.1 The BF-2 zones are intended to:

(a) Permit predominantly moderate-density row and semi-detached buildings with residential and live-work dwelling units and flats;

(b) Provide open and green space suitable for passive private enjoyment and active community recreation and amenities, as appropriate.

1112 DEVELOPMENT STANDARDS (BF-2)

1112.1 The development standards in Subtitle K §§ 1101 and 1102 shall apply to the BF-2 zones except as specifically modified by this section. In the event of a conflict between the provisions of this section and other regulations of this subtitle, the provisions of this section shall prevail.

1112.2 The development standards for each lot in the BF-2 zones shall be as set forth in the following table:

TABLE K § 1112.2: BF-2 DEVELOPMENT STANDARDS

<u>BF-2 Zones</u>	<u>Minimum Lot Width (ft.)</u>	<u>Height (ft.)</u>	<u>Maximum Stories</u>	<u>Maximum Lot Occupancy</u>	<u>Minimum Rear Yard</u>
<u>BF-2A BF-2B</u>	<u>Single Dwelling Unit - 16; All others - N/A</u>	<u>40</u>	<u>N/A</u>	<u>80%</u>	<u>4 inches per foot of building height; 15 ft. minimum</u>
<u>BF-2C</u>	<u>N/A</u>	<u>40</u>	<u>N/A</u>	<u>20%</u>	<u>4 inches per foot of building height; 15 ft. minimum</u>
<u>BF-2D</u>	<u>N/A</u>	<u>40</u>	<u>3</u>	<u>The greater of 40% or the lot occupancy as of the date of adoption of this chapter</u>	<u>The lesser of 4 inches per foot of building height; 15 ft. minimum or the rear yard as of the date of adoption of this chapter</u>

1112.3 In the BF-2 zones, rear yards shall be measured as follows:

- (a)** Where a lot abuts an alley, the rear yard may be measured from the centerline of the alley to the rear wall of the building or structure; or
- (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.

1112.4 A detached building with a single dwelling unit shall have two (2) side yards, each a minimum of five feet (5 ft.) in width.

1112.5 A semi-detached building with a single dwelling unit shall have one (1) side yard, a minimum of five feet (5 ft.) in width.

1112.6 A building or structure other than a detached or semi-detached building with a single dwelling unit is not required to provide a side yard; however, if a side yard is provided, it shall be no less than four feet (4 ft.).

1113 USE PERMISSIONS (BF-2)

1113.1 Unless otherwise modified in this section, use permissions for the BF-2 zones are those of the RF zones of Subtitle U, Chapter 3, including uses permitted as a matter of right, as a special exception, or as an accessory use, and uses not permitted.

1113.2 **In the BF-2A zone, in addition to the uses permitted under Subtitle K § 1113.1, the following uses shall also be permitted as a matter-of-right in buildings or structures with frontage along Sumner Road, S.E.:**

(a) Arts, Design, and Creation uses, including an artist live-work studio, provided:

(i) Such uses shall be limited to the ground floor;

(ii) All operations and storage of materials shall occur inside the building; and

(iii) Sales of art work produced by the occupants of the studio shall be permitted within the studio; and

(b) A home occupation use, subject to the conditions and requirements of Subtitle U § 251.

1113.3 **In the BF-2C zone, only the following uses shall be permitted as a matter-of-right:**

(a) Arts, Design, and Creation;

(b) Daytime Care;

(c) Education, public;

(d) Entertainment, Assembly, and Performing Arts;

(e) Institutional, General;

(f) Park and Recreation; and

(g) Recreational Building or Use.

1113.4 **In the BF-2D zone, only the uses permitted under Subtitle K § 1113.3 and residential use shall be permitted as a matter-of-right.**

1114 **PERVIOUS SURFACE (BF-2)**

1114.1 **Each building in the BF-2 zones shall meet the minimum pervious surface requirements set forth in the following table on its own lot:**

TABLE K § 1118.1: MINIMUM PERVIOUS SURFACE REQUIREMENTS

<u>Minimum Lot Size</u>	<u>Minimum Pervious Surface</u>
<u>Less than 1,000 square feet</u>	<u>0%</u>
<u>1,001 – 2,000 square feet</u>	<u>10%</u>
<u>Larger than 2,000 square feet</u>	<u>20%</u>

1115-1149 [RESERVED]

1150 ALLEY LOT DEVELOPMENT STANDARDS (BF)

1150.1 Notwithstanding Subtitle C § 306.1, new alley record lots in the BF zones shall comply with the following requirements:

- (a) Have frontage along a public alley with a minimum alley width or twenty feet (20 ft.) and have access to a street from the alley through an alley or alleys not less than twenty feet (20 ft.) in width; and
- (b) Have a minimum of one thousand square feet (1,000 sq. ft.).

1150.2 Notwithstanding Subtitle B § 308.9, building height on alley lots in BF zones shall be measured from the middle of the building façade that faces the alley, which shall also serve as the building front for zoning purposes.

1150.3 An alley lot in the BF zones is subject to the general and zone-specific development standards and use permissions applicable to the alley lot’s zone.

1151 THEORETICAL SUBDIVISIONS (BF)

1151.1 In the BF zones, multiple primary buildings on a single record lot shall be permitted as a matter of right, subject to the following conditions:

- (a) The number of buildings permitted by this section shall not be limited; provided each building is located on an individual theoretical lot that serves as boundaries for assessment of compliance with the Zoning Regulations;
- (b) Side and rear yards of a theoretical lot shall be consistent with the requirements of the applicable BF zone;
- (c) The height of a building governed by the provisions of this section shall be measured from the finished grade at the middle of the building façade selected as the front of the building of zoning purposes; and
- (d) The height measurement rule of this subsection shall supersede any other height measurement rule except the Height Act.

1152 SPECIAL EXCEPTION RELIEF (BF)

1152.1 Relief from the requirements of Subtitle K §§ 1101, 1102, 1107, 1112, 1113.2, 1114, 1150, and 1151, or as provided elsewhere in this chapter, may be granted by the Zoning Commission as a special exception pursuant to Subtitle X, Chapter 9, and the Zoning Commission’s determination that the request for relief is consistent with the purposes of the applicable BF zone.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11, as published in the Notice of (Second) Emergency and Proposed Rulemaking.

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 **required that all written testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public 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, **provided that all written comments be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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

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

DEPARTMENT OF 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 adopts the following amendment to Chapter 47 (Acupuncture) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends Subsection 4702.7 of Chapter 47 to allow physicians who have completed three hundred (300) hours of training in acupuncture from programs approved by the American Board of Medical Acupuncture (ABMA) to be licensed as acupuncturists. This replaces the previous requirement of certification by the ABMA for which only physicians with years of experience in acupuncture are eligible. The Proposed Rulemaking was published in the *D.C. Register* on August 14, 2020 at 67 DCR 009746. No comments were received and no changes have been made to the proposed regulation. This amendment was adopted as final on September 30, 2020 and shall become effective upon publication in the *D.C. Register*.

Chapter 47, ACUPUNCTURE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Subsection 4702.7, of Section 4702, EDUCATIONAL REQUIREMENTS, is amended to read as follows:

4702.7 A physician licensed in good standing in the District of Columbia may receive a license for acupuncture if he or she has completed three hundred (300) hours of training in acupuncture from programs approved by the American Board of Medical Acupuncture. At least one hundred (100) hours must be in clinical training.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**RM3-2018-01, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING ENERGY METER LOCATIONS,**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2019 Repl.) and 34-802 (2019 Repl.),¹ hereby gives notice of its final action adopting an amendment to Chapter 3 (Consumer Rights and Responsibilities), Subsection 301.1(d) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations to exempt from the 15-day notice requirement any electric meter replacement that results in a momentary interruption of electric service, defined as an interruption of five (5) minutes or less.

2. On May 21, 2020, the Commission approved final rules governing the replacement and relocation of energy meters.² The final rules (Commission Rules §§ 301.1(d) and (e)) require, among other things, a fifteen (15) days' notice requirement to electric customers for the replacement of electric meters. On August 14, 2020, the Commission issued a Notice of Proposed Rulemaking, amending the notice requirement in Subsection 301.1(d) creating an exception allowing the replacement of electric meters without prior notice to a customer where an electric meter replacement results in a momentary interruption, which is defined as a loss of electric service for five (5) minutes or less.³

3. The Office of the People's Counsel for the District of Columbia (OPC) filed comments requesting that the Commission retain the 15-day notice requirement because the over-all purview and scheduling of the Potomac Electric Power Company's (Pepco or Company) meter replacement is within the Company's full control.⁴ Pepco filed a response to OPC comments contending that routine smart meter replacement is usually not recognized by customers, since it typically amounts to a mere flickering of the lights thereby obviating the need for the 15-day notice requirement, which it asserts will unnecessarily delay daily routine meter replacement work.⁵

¹ D. C. Official Code § 2-505 (2019 Repl.); D. C. Official Code § 2-802 (2019 Repl.).

² *RM3-2018-01, In the Matter of the Investigation into the Public Service Commission's Rules Governing Energy Meter Locations (RM3-2018-01)*, Order No. 20351, rel. May 21, 2020. The rules became effective on June 5, 2020. See *67 D.C. Reg.* 006833-006838 (June 5, 2020).

³ 67 DCR 009757 (August 14, 2020).

⁴ *RM3-2018-01*, Comments of the Office of the People's Counsel for the District Columbia in Response to Notice of Proposed Rulemaking, filed September 14, 2020.

⁵ *RM3-2018-01*, Pepco's Motion for Leave to Respond and Response, filed September 18, 2020.

4. After fully considering the comments, the Commission by Order No. 20641, approved the proposed amendments at the Commission’s October 7, 2020, Open Meeting with the rules becoming effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

Section 301, Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 301, LOCATION OF ENERGY SERVICE METERS AND RELATED EQUIPMENT, is amended to read as follows:

301.1 Electric Meters and Equipment

.....

- (d) The Electric Utility shall provide Customers with a fifteen (15) day notice prior to replacing or relocating electric Meters located on the Customer’s premises or property. No such notice is required in emergencies and for routine meter exchanges that result in a momentary interruption of electric service of five (5) minutes or less.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl. and 2019 Supp.)), and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to the 2017 District of Columbia Construction Codes and to the District of Columbia Construction Codes Supplements of 2017 (codified in Subtitles A-L of Title 12 of the District of Columbia Municipal Regulations (DCMR)).

This proposed rulemaking would revise provisions in the Building Code Supplement of 2017, the Residential Code Supplement of 2017, the Electrical Code Supplement of 2017, the Existing Building Code Supplement of 2017, the Fire Code Supplement of 2017, the Plumbing Code Supplement of 2017, the Mechanical Code Supplement of 2017, the Energy Conservation Code-Residential Provisions Code Supplement of 2017, and the Property Maintenance Code Supplement of 2017.

To clearly show the changes being made to the 2017 District of Columbia Construction Codes, additions are shown in underlined text and deletions are shown in ~~strikethrough~~ text.

The process for submitting comments on the proposed rulemaking is detailed on the final page of this Notice.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt these amendments. Pursuant to Section 10(a) of the Act, the proposed amendments will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2017, is amended as follows:

Subtitle 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 1, ADMINISTRATION AND ENFORCEMENT, is amended as follows:

Section 102, APPLICABILITY, is amended as follows:

Subsection 102.1.1 is amended by inserting a new Exception to read as follows:

102.1.1 Code Precedence. Unless otherwise provided herein, or in the *Construction Codes Act*, the *Construction Codes* shall take precedence over the *Construction Codes*

Act, and the *Construction Codes Supplement* shall take precedence over the Model Codes (as defined in Section 101.1), including standards and amendments.

No provision of the *Construction Codes* shall be deemed to modify or amend any provision of the *Zoning Regulations* of the District of Columbia (11 DCMR), as amended, or any relief granted or order issued pursuant thereto (collectively, the “*Zoning Regulations*”), nor shall any provision of those *Zoning Regulations* be deemed to modify or amend any provision of the *Construction Codes*. Where a provision of the *Construction Codes* is deemed to be in conflict with any provision of the *Zoning Regulations*, then a waiver of the applicable provision of the *Construction Codes* must be sought from the *code official*, or there must be relief granted pursuant to the applicable provisions of the *Zoning Regulations* by the *Board of Zoning Adjustment* or as otherwise provided therein.

Exception: If a conflict arises between the *Construction Codes Act* and the *Construction Codes*, the later adopted provision shall take precedence.

Subsection 102.4.1 is amended to read as follows:

102.4 Referenced Standards. The standards referenced in the *Construction Codes* and listed in Chapter 35 of the *Building Code*, in Chapter 44 of the *Residential Code*, in Annex A of the *Electrical Code*, in Chapter 8 of the *Fuel Gas Code*, in Chapter 15 of the *Mechanical Code*, in Chapter 13 of the *Plumbing Code*, in Chapter 8 of the *Property Maintenance Code*, in Chapter 80 of the *Fire Code*, in Section 12 of the *Energy Conservation Code-Commercial Provisions*, in Chapter 6 [RE] of the *Energy Conservation Code-Residential Provisions*, in Chapter 16 of the *Existing Building Code*, in Chapter 12 of the *Green Construction Code*, and in Chapter 11 of the *Swimming Pool and Spa Code*, shall be considered a part of the requirements of the *Construction Codes* to the prescribed extent of each such reference.

102.4.1 Conflicts. If conflict arises between the provisions of ~~the *Construction Codes Act*~~ and the *Construction Codes* and their Referenced Standards, the provisions of the *Construction Codes* shall take precedence. If conflict arises between the *Construction Codes Supplement*, the Model Codes (as defined in Section 101.1), and their Referenced Standards:

1. The provisions of the *Construction Codes Supplement* shall take precedence over the Model Codes and their Referenced Standards.
2. The provisions of the Model Codes, other than their referenced standards, shall take precedence over their Referenced Standards.

Section 106, SUBMITTAL DOCUMENTS, is amended as follows:

Subsection 106.2.18.3.1.1 is revised to read as follows:

106.2.18.3.1.1 Required Posting. A notice of the filing of a permit application within the scope of Section 106.2.18.3 shall be posted by the applicant on the *premises* upon which the permit application seeks authorization to perform the work, and shall comply with the following conditions:

1. The notice shall be posted for a continuous period of at least 30 days, including the 30-day period immediately prior to issuance of the permit.
2. The notice shall be given on a form approved by the *code official* and shall be legible from the *public way* that provides the main entrance to the *premises*, as determined by the *code official*.
3. ~~If the notice is destroyed, damaged, or removed during the posting period, the applicant shall promptly replace the notice~~ The applicant shall maintain the notice by checking it at least once per week and reposting when necessary.
4. ~~Photographic evidence of the required posting shall be submitted to the code official by the applicant, and the~~ The applicant shall submit to the code official a photograph of the sign after posting, as viewed by the public, and identify the exact location and date of posting the sign. The associated permit(s) shall not be issued without this photographic evidence.

Section 109, INSPECTIONS, is amended as follows:

Subsection 109.1.4 is amended to read as follows:

109.1.4 Master Tradesperson to be Onsite During Inspections. The master tradesperson to whom a trade permit is issued, or the District of Columbia licensed representative of the master tradesperson, shall be present ~~during~~ after the second consecutive rejection of the rough-in inspection for the specific scope of work performed under the trade permit. The code official shall have the authority to require At the discretion of the inspector, the master tradesperson or his licensed representative to shall be present during ~~any the next or~~ subsequent inspections of the same work where there is repeated non-compliance with Construction Code provisions. Nothing shall limit the code official's authority to require the master tradesperson or his licensed representative

to be present for an inspection.

Chapter 2, DEFINITIONS, is amended as follows:

Section 202, GENERAL DEFINITIONS, is amended as follows:

Subsection 202.2 is amended to revise the definition of “Underground Garage” to read as follows:

202.2 NEW DEFINITIONS

Revise the definition of “Underground Garage” in Section 202.2 of the 2017 District of Columbia Building Code to read as follows:

UNDERGROUND GARAGE (for ~~purposes of~~ Section G105, Appendix G). An enclosed area that is below grade on all sides and is below the design flood elevation or base flood elevation that will be used solely for parking, building access, or storage.

Chapter 27, ELECTRICAL, is being amended as follows:

Section 2702, EMERGENCY AND STANDBY POWER SYSTEMS , is amended as follows:

Subsection 2702.1 is amended to read as follows:

2702.1.7 Group I-2 Occupancies. In Group I-2 occupancies located in flood hazard areas established in Section 1612.3, where new essential electrical systems are installed, and where new essential electrical system generators are installed, the systems and generators shall be located and installed in accordance with ASCE 24. Where connections for hookup of temporary generators are provided, the connections shall be located at or above the elevation required in ASCE 24.

Appendix G, FLOOD-RESISTANT CONSTRUCTION, is amended as follows:

Revise Section G103.8, Appendix G, of the 2017 District of Columbia Building Code to read as follows:

G103.8 Records. The code official shall comply with the record retention requirements applicable to permits and associated documentation related to development on a development site wholly or partially within a flood hazard area, as set forth in 12-A DCMR Section 104.7. The code official shall retain for a duration no less than that specified in accordance with NFIP requirements the following records related to development on a development site wholly or partially within a flood hazard area: all permits issued, subdivision applications/approvals, modifications of the Construction Codes or variances of the Flood Hazard Rule; final inspection approvals and certificates of occupancy upon project completion. The Floodplain Administrator shall retain for a duration no less than that specified in accordance with NFIP requirements:

records of FIRMs, FIS, Letters of Map Amendment, Letters of Map Revision; *elevation certificates* and *floodproofing certificates*, and records of any other documentation required by the *Flood Hazard Rules* not delegated to the *code official* for record-keeping.

Strike Section G104.2.1 (13) in Appendix G of the 2017 District of Columbia Building Code in its entirety without substitution.

~~13. An approved code modification in accordance with Section G10 for mixed use projects with Residential Group R occupancies proposing underground garages located in basements (for flood loads).~~

Subtitle 12-B DCMR, RESIDENTIAL CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 3, BUILDING PLANNING, is amended as follows:

Section R303, LIGHT, VENTILATION AND HEATING, is amended as follows:

Subsection R303.4 is amended to read as follows:

R303.4 Mechanical ventilation. Each new *dwelling unit* shall be ventilated by mechanical means in accordance with Section M1507.3, and shall have at least one opening to the outdoors for natural ventilation. The minimum openable area to the outdoors shall be 4 percent of the floor area of the *habitable spaces*.

Where an existing *dwelling unit* is undergoing a Level 3 *alteration* and its air infiltration rate is less than five air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section R402.4.1.2 of the *Energy Conservation Code-Residential Provisions*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *Mechanical Code*.

~~Where an existing *dwelling unit* is undergoing a Level 3 *alteration* affecting 80 percent or more of the aggregate area of the unit, the *dwelling unit* shall be ventilated in accordance with item 1 of Section 401.2 of the *Mechanical Code*.~~

Chapter 24, FUEL GAS, is amended as follows:

Section G2411 (310), ELECTRICAL BONDING, is amended to read as follows:

G2411 (310) ELECTRICAL BONDING

Strike Sections G2411.1 through G2411.1.1.5 of the International Residential Code in their entirety and insert new Sections G2411.1 through G2411.3 in their place in the Residential Code to read as follows.

G2411.1 (310.1) Pipe and tubing other than CSST. Each above-ground portion of a *gas piping system* other than corrugated stainless steel tubing (CSST) that is likely to become energized shall be electrically continuous and bonded to an effective ground-fault current path. *Gas piping* other than CSST shall be considered to be bonded where it is connected to an *appliance* that is connected to the *equipment* grounding conductor of the circuit that supplies that *appliance*.

G2411.2 (310.2) CSST. This section applies to corrugated stainless steel tubing (CSST) that is not listed with an arc-resistant jacket or coating system in accordance with ANSI LC1/CSA 6.26. *CSST gas piping systems and piping systems containing one or more segments of CSST shall be electrically continuous and bonded to the electrical service grounding electrode system or, where provided, the lightning protection grounding electrode system.*

G2411.2.1 (310.2.1) Point of connection. The bonding jumper shall connect to a metallic pipe, pipe fitting or CSST fitting.

G2411.2.2 (310.2.2) Size and material of jumper. The bonding jumper shall be not smaller than 6 AWG copper wire or equivalent.

G2411.2.3 (310.2.3) Bonding jumper length. The length of the bonding jumper between the connection to a *gas piping system* and the connection to a *grounding electrode system* shall not exceed 75 feet (22 860 mm). Any additional grounding electrodes installed to meet this requirement shall be bonded to the electrical service grounding electrode system or, where provided, the lightning protection grounding electrode system.

G2411.2.4 (310.2.4) Bonding connections. Bonding connections shall be in accordance with NFPA 70.

G2411.2.5 (310.2.5) Connection devices. Devices used for making the bonding connections shall be *listed* for the application in accordance with UL 467.

G2411.3 (310.3) Arc-resistant CSST. This section applies to corrugated stainless steel tubing (CSST) that is listed with an arc-resistant jacket or coating system in accordance with ANSI LC1/CSA 6.26. The CSST shall be electrically continuous and bonded to an effective ground fault current path. Where any CSST component of a *piping system* does not have an arc-resistant jacket or coating system, the bonding requirements of Section G2411.2 shall apply. Arc-resistant jacketed CSST shall be considered to be bonded where it is connected to an *appliance* that is connected to the *appliance* grounding conductor of the circuit that supplies that *appliance*.

Chapter 29, WATER SUPPLY AND DISTRIBUTION, is amended as follows:

Strike Sections 2910, 2911 & 2912 of the International Residential Code in their entirety and insert a new Section 2910 in the Residential Code in its place to read as follows:

Section 2910, NONPOTABLE WATER SYSTEMS, is added as follows:

Subsection 2910.1 is added as follows:

2910.1 General. Nonpotable water systems shall comply with Chapter 13 of the *Plumbing Code*.

Chapter 44, REFERENCED STANDARDS, is amended to insert a new referenced standard under the heading “ANSI” to read as follows:

Strike Standard Reference Number LC1/CSA 6.26-13 under subheading “ANSI” in Chapter 44 Referenced Standards of the International Residential Code and new Standard Reference Number LC1/CSA 6.26-18 under the subheading “ANSI” to read as follows:

<u>ANSI</u>	<u>American National Standards Institute</u> <u>25 West 43rd Street, Fourth Floor</u> <u>New York, NY 10036</u>	
<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>LC1/CSA 6.26-18</u>	<u>Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST)</u>	<u>G2411.2; G2411.3</u>

Subtitle 12-C DCMR, ELECTRICAL CODE SUPPLEMENT OF 2017, is amended as follows:

Section 408, SWITCHBOARDS AND SWITCHGEARS OF 1000 AMPERES OR LARGER, of Chapter 408, ARTICLE 408 – SWITCHBOARDS, SWITCHGEAR, AND PANELBOARDS, is amended as follows:

Subsection 408.23 is struck in its entirety without substitution.

Insert a new Section 408.23 in Article 408 of the Electrical Code to read as follows:

~~**408.23 Switchboards and Switchgears of 1000 Amperes or Larger.** It shall be the responsibility of the owner of a switchboard, switchgear or both having a capacity of 1000 amperes or larger, or the owner’s responsible agent, to engage a qualified licensed master electrician, a licensed journeyman electrician or a supervised apprentice working under a licensed master electrician at least once every three calendar (3) years, if not sooner, to perform prescribed preventive maintenance. Preventive maintenance shall consist of, but not be limited to:~~

- ~~1. Check exterior of equipment for damage.~~
- ~~2. Check that all power and control cable entrances are sealed against rodents and~~

- vermin.
- ~~3. Perform equipment infrared scanning.~~
 - ~~4. Vacuum entire interior of switchboard and/or switchgear.~~
 - ~~5. Clean bus and contacts with suitable non-conductive solvents.~~
 - ~~6. Lubricate all moving and racking mechanisms.~~
 - ~~7. Check all conductors for abrasions and deterioration; recommend replacement if found to be in poor condition.~~
 - ~~8. Torque bus and conductor connections to manufacturers' recommended specifications.~~
 - ~~9. Check calibration of overcurrent trip units and protective devices.~~
 - ~~10. Test the resistance of the insulation of the board to manufacturers' specifications before re-energizing.~~
 - ~~11. Replace worn, damaged or deteriorating components.~~

~~A copy of current inspection and service reports shall be available for public inspection on site.~~

Chapter 690, SOLAR PHOTOVOLTAIC (PV) SYSTEMS, is amended as follows:

Strike the text in Article 690 of the Electrical Code in its entirety, and insert the text of Article 690 "Solar Photovoltaic (PV) Systems" from NFPA 70, the National Electrical Code (2020 edition), into the 2017 DC Electrical Code in its place.

A new Chapter 691, LARGE SCALE PHOTOVOLTAIC (PV) ELECTRIC POWER PRODUCTION FACILITY, is added as follows:

Insert new Article 691 "Large Scale Photovoltaic (PV) Electric Power Production Facility." from NFPA 70, the National Electrical Code (2020 edition), in the 2017 District of Columbia Electrical Code.

Subtitle 12-E DCMR, MECHANICAL CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 4, VENTILATION, is amended as follows:

Section 401, GENERAL, is amended as follows:

Subsection 401.2 is amended to read as follows:

401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403.

1. Each new *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 and shall have at least one opening to the outdoors for natural ventilation. The minimum openable area to the outdoors shall be 4 percent of the floor area of the *habitable spaces*.

2. Where an existing *dwelling unit* is undergoing a Level 3 *alteration* and its air infiltration rate is less than five (5) air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section R402.4.1.2 of the *Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403.
3. ~~Where an existing *dwelling unit* is undergoing a Level 3 *alteration* affecting 80 percent or more of the aggregate area of the unit, the *dwelling unit* shall be ventilated in accordance with item 1 of Section 403 401.2.~~ Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.
4. ~~Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.~~

Subtitle 12-F DCMR, PLUMBING CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 13, NONPOTABLE WATER SYSTEMS, is amended as follows:

Section 1301, GENERAL, is amended as follows:

Strike Section 1301.4 of the International Plumbing Code in its entirety and insert new Section 1301.4 in its place in the Plumbing Code to read as follows:

1301.4 Permits. A building permit and pertinent trade permits in accordance with Section 105 of the *Building Code* shall be required for the construction, installation, alteration and/or repair of *nonpotable water* systems. This section shall not apply to above-grade, self-contained *rainwater* collection tanks or rain barrels that meet the following conditions: (a) have an individual capacity of 150 gallons (568 L) or less; and (b) are not connected to a distribution piping system.

Strike Section 1301.7 of the International Plumbing Code in its entirety and insert new Section 1301.7 in its place in the Plumbing Code to read as follows:

1301.7 Insect and vermin control. The system shall be protected to prevent the entrance of insects and vermin into storage tanks and piping systems. Tank vent openings and overflow outlets shall be screened with a corrosion-resistant screen of not less than 16 by 20 mesh per inch (630 by 787 mesh per m) or shall be protected by an *approved* equivalent alternative method. Screen materials shall be compatible with contacting system components and shall not accelerate the corrosion of system components.

Exception: Tank vent overflow outlets on above-grade, self-contained *rainwater* collection tanks or rain barrels that meet the following conditions: (a) have an individual capacity of 150 gallons (568 L) or less; and (b) are not connected to a distribution piping system.

Strike Section 1301.8 of the International Plumbing Code in its entirety and insert new Section 1301.8 in its place in the Plumbing Code to read as follows:

1301.8 Freeze protection. Where sustained freezing temperatures occur, provisions shall be made to keep storage tanks and the related piping from freezing. This provision is not intended to apply to rain *leaders* installed on the exterior of buildings.

Exception: Above-grade, self-contained *rainwater* collection tanks or rain barrels that meet the following conditions (a) have an individual capacity of ~~125 gallons (473 L)~~ 150 gallons (568 L) or less and (b) are not connected to a distribution piping system. ~~shall not be required to comply with this requirement.~~

Strike Section 1301.9.2 of the International Plumbing Code in its entirety and insert new Section 1301.9.2 in its place in the Plumbing Code to read as follows:

1301.9.2 Location. Above-grade storage tanks shall be protected from direct sunlight and shall be constructed using opaque, UV-resistant materials such as, but not limited to, heavily tinted plastic, fiberglass, lined metal, concrete, or wood, or shall be painted to prevent algae growth, or shall be provided with specially constructed sun barriers including, but not limited to, installation in garages, crawl spaces or sheds. Above-grade and underground storage tanks and their manholes shall not be located directly under any *soil pipe, waste pipe* or any source of contamination.

Exception: Above-grade, self-contained *rainwater* collection tanks or rain barrels that meet the following conditions : (a) have, ~~with~~ an individual capacity of ~~125 gallons (473 L)~~ 150 gallons (568 L) or less and (b) are not connected to a distribution piping system.; ~~shall not be required to comply with this requirement.~~

Strike Section 1301.9.7 of the International Plumbing Code in its entirety and insert new Section 1301.9.7 in its place in the Plumbing Code to read as follows:

1301.9.7 Access opening. Not less than one access opening shall be provided to allow inspection and cleaning of the tank interior. Access openings shall have an *approved* locking device or other *approved* method of securing the access opening. Underground storage tanks located outside of the building shall be provided with a manhole either not less than 24 inches (610 mm) square or with an inside diameter not less than 24 inches (610 mm). Manholes shall extend not less than 4 inches (102 mm) above ground or shall be designed to prevent water infiltration. Finished grade shall be sloped away from the manhole to divert surface water. Manhole covers shall be secured to prevent unauthorized access. Service ports in manhole covers shall be not less than 8 inches (203 mm) in diameter and shall be not less than 4 inches (102 mm) above the finished grade level. The service port shall be secured to prevent unauthorized access.

Exceptions:

- 1.** Underground storage tanks less than 800 gallons (3028 L) in volume shall not be required to be equipped with a manhole, but shall have a service port not less than 8 inches (203 mm) in diameter.
- 2.** Above-grade, self-contained *rainwater* collection tanks or rain barrels that meet the following conditions: (a) have an individual capacity of 150 gallons (568 L) or less; and (b) are not connected to a distribution piping system.

Strike Section 1301.9.11 of the International Plumbing Code in its entirety and insert new Section 1301.9.11 in its place in the Plumbing Code to read as follows:

1301.9.11 Storage tank tests. Storage tanks shall be tested in accordance with the following:

1. Storage tanks shall be filled with water to the overflow line prior to and during inspection.
2. All seams and joints shall be left exposed and the tank shall remain water tight without leakage for a period of 24 hours.
3. After 24 hours, supplemental water shall be introduced for a period of 15 minutes to verify proper drainage of the overflow system and that there are no leaks.
4. The tank drain valve shall be opened and the tank drain system shall be observed for proper operation.
5. After the drain valve is closed, the makeup water system shall be activated and observed for proper operation, and successful automatic shut-off of the system at the refill threshold shall be verified.

Exception: Above-grade, self-contained rainwater collection tanks or rain barrels that meet the following conditions: (a) have an individual capacity of 150 gallons (568 L) or less; and (b) are not connected to a distribution piping system.

Strike Section 1301.10 of the International Plumbing Code in its entirety and insert new Section 1301.0 in its place in the Plumbing Code to read as follows:

1301.10 System abandonment. If the owner of an *on-site nonpotable water reuse system* or *rainwater* collection and conveyance system elects to cease use of such system, the owner shall first obtain approval from the *code official* to abandon the system. If the owner of such system fails to properly maintain it, the *code official* is authorized to order abandonment or repair of the system, as deemed appropriate, in the interest of protection of public health and balancing equities, taking into account prior commitments and obligations of the owner and the benefit of maintaining such system. Above-grade, self-contained rainwater collection tanks or rain barrels that meet the following conditions are not required to comply with this section: (a) have an individual capacity of 150 gallons (568 L) or less; and (b) are not connected to a distribution piping system.

When the code official approves or orders an *on-site nonpotable water reuse system* or *rainwater* collection and conveyance system to be abandoned, such abandonment shall comply with the following:

(no change to remainder of section)

Section 1303, NONPOTABLE RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS, is amended as follows:

Strike Section 1303.4 of the International Plumbing Code in its entirety and insert new Section 1303.4 in its place in the Plumbing Code to read as follows:

1303.4 Roof washer. A sufficient amount of *rainwater* shall be diverted at the beginning of each rain event, and not allowed to enter the storage tank, to wash accumulated debris from the collection surface. The amount of rainfall to be diverted shall be field adjustable as necessary to minimize storage tank water contamination. The roof washer shall not rely on manually operated valves or devices, and shall operate automatically. Diverted *rainwater* shall not be drained to the roof surface, and shall be discharged in a manner consistent with the storm water runoff requirements of the District of Columbia. Roof washers shall be accessible for maintenance and service.

Exception: Roofs draining through above-grade, self-contained *rainwater* collection tanks or rain barrels that meet the following conditions (a) have an individual capacity of 150 gallons (568 L) or less; and (b) are not connected to a distribution piping system.

Subtitle 12-G DCMR, PROPERTY MAINTENANCE CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 1, SCOPE AND ADMINISTRATION, is amended as follows:

Section 102, APPLICABILITY, is amended as follows:

Subsection 102.1 is amended by inserting a new 102.1 to read as follows:

102.1 Code Precedence. Unless otherwise provided herein, or in the *Construction Codes Act* (as defined in Section 202.2 of the *Building Code*), the *Construction Codes* shall take precedence over the *Construction Codes Act*, and the *Construction Codes Supplement* shall take precedence over the Model Codes (as defined in Section 101.1 of the *Building Code*), including standards and amendments.

Exception: If a conflict arises between the *Construction Codes Act* and the *Construction Codes*, the later adopted provision shall take precedence.

Subsection 102.1.1 is added to read as follows:

102.1.1 Conflicting provisions. Where, in any specific case, different sections of the *Construction Codes* specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement within the *Construction Codes*, the specific requirement shall govern. Where differences occur between provisions of the *Property Maintenance Code* and its

referenced standards, the provisions of the *Property Maintenance Code* shall apply. Where, in a specific case, different sections of the *Property Maintenance Code* specify different requirements, the most restrictive shall govern.

Chapter 3, GENERAL REQUIREMENTS, is amended as follows:

Section 310, CARBON MONOXIDE ALARMS, is amended as follows:

Subsection 310.7 is amended as follows:

310.7 Additional Provisions Applicable to Owners of Rental Units. The following additional provisions ~~responsibilities~~ apply to *owners of rental units*.

1. The *owner* of a *rental unit* shall ensure that carbon monoxide detection that complies with the requirements of Section 310 is operable and in good repair at the beginning of each tenancy.
2. The *owner* of a *rental unit* shall replace or repair any carbon monoxide detection alarms or systems located within the *rental unit* within 15 days of receipt of written notification by an *occupant* or *tenant* of such unit that replacement or repairs are needed.
3. The *owner* of a *rental unit* shall conduct annual inspections of carbon monoxide alarms or detection systems, and shall provide reasonable notice of such inspection to *tenant(s)* where the carbon monoxide alarm or detection system is located, in whole or in part, in the *tenant's rental unit*.

310.7.1 Emergency measures. The failure of an *owner of a rental unit to comply with Section 310* shall be deemed an imminent danger pursuant to Section 109 of the *Property Maintenance Code* and Section 111.2 of the *Fire Code*.

310.7.2 Owner responsibility. Except as provided in Section 310.9, no act or omission by a *tenant* under Section 310 shall relieve the *owner* of responsibility to ensure full and continuing compliance with Section 310 or to preclude the *code official* from pursuing other penalties and remedies under this code where the *owner* fails to comply with Section 310.

New Subsections 310.8, 310.8.1 and 310.9 are added to read as follows:

Insert new Sections 310.8, 310.8.1 and 310.9 in the Property Maintenance Code to read as follows:

310.8 Additional Provisions Applicable to Tenants of Rental Units. The following additional provisions apply to *tenants of rental units*.

1. Where the *owner* of a *rental unit* has failed to comply with the carbon monoxide detection provisions of Section 310, the *tenant* is authorized to purchase, install and

maintain a carbon monoxide detection alarm as a temporary safeguard at the owner's expense, subject to the following: (a) the tenant must notify the owner in writing that installation, replacement or repair of a carbon monoxide alarm is required by Section 310 and request that the owner take appropriate action; (b) the owner fails to take the requested action within ten (10) days after such request or such later date as mutually agreed; and (c) the tenant must provide the owner or authorized agent of the owner with access to the dwelling unit to correct any carbon monoxide detection alarm deficiencies which have been reported.

Reasonable costs incurred by the tenant may be deducted from the rent for the rental unit pursuant to procedures governing landlord tenant relationships set forth in Title 14 DCMR. No tenant shall be charged, evicted, or penalized in any fashion for failure to pay the reasonable costs deducted from the rent for the rental unit for purchase, installation or maintenance of carbon monoxide detection alarms under this section.

2. Where a carbon monoxide alarm or detection system is located, in whole or in part, in a tenant's rental unit, the tenant(s) of such rental unit shall promptly report any defects of such devices to the owner or operator.

310.8.1 Tenant responsibility. Except as provided in Section 310.9, nothing in this Section 310.8 shall be construed: (a) to impose a penalty or other liability on a tenant for failure to install or maintain a carbon monoxide detection alarm or system; or (b) to mean that a tenant who fails to install or maintain a carbon monoxide detection alarm or system is contributorily negligent.

310.9 Disabling of carbon monoxide alarms or detection systems. Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm or detection system, except in the course of authorized inspection, maintenance or replacement of the alarm or system, is prohibited.

Chapter 6, MECHANICAL AND ELECTRICAL REQUIREMENTS, is amended as follows:

Section 605, ELECTRICAL EQUIPMENT, is amended as follows:

Subsection 605.4 is stricken in its entirety without substitution:

Insert a new Section 605.4 into the Property Maintenance Code to read as follows:

~~**605.4 Switchboards and Switchgears of 1000 Amperes or Larger.** It shall be the responsibility of the owner of a switchboard, switchgear or both having a capacity of 1000 amperes or larger, or the owner's responsible agent, to engage a master electrician licensed in the District of Columbia to perform prescribed preventive maintenance at least once every three calendar years in accordance with Article 408.23 of the *Electrical Code*. A copy of the most~~

recent inspection and service reports shall be available on-site.

Subtitle 12-H DCMR, FIRE CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 1, SCOPE AND ENFORCEMENT, is amended as follows:

Section 102, APPLICABILITY, is amended as follows:

Subsection 102.10 is revised to read as follows:

102.10 Code Precedence. Unless otherwise provided herein, or in the *Construction Codes Act* (as defined in Section 202.2 of the *Building Code*), the *Construction Codes* shall take precedence over the *Construction Codes Act*, and the *Construction Codes Supplement* shall take precedence over the Model Codes (as defined in Section 101.1 of the *Building Code*), including standards and amendments.

Exception: If a conflict arises between the *Construction Codes Act* and the *Construction Codes*, the later adopted provision shall take precedence.

Subsection 102.10.1 is revised to read as follows:

102.10.1 Conflicts. Where, in any specific case, different sections of the *Construction Codes* specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement within the *Construction Codes*, the specific requirement shall be applicable.

If conflict arises between the provisions of the ~~*Construction Codes Act*~~ and the *Construction Codes*, ~~or~~ and their referenced standards, the provisions of the *Construction Codes Supplement*, the Model Codes, and their referenced standards:

1. The provisions of the *Construction Codes Supplement* shall take precedence over the Model Codes and their referenced standards.
2. The provisions of the Model Codes, other than their referenced standards, shall take precedence over their referenced standards.

Chapter 6, BUILDING SERVICES AND SYSTEMS, is amended as follows:

Section 604, EMERGENCY AND STANDBY POWER SYSTEMS, is amended as follows:

Subsection 604.1.7 is amended to read as follows:

Strike Section 604.1.7 of the *International Fire Code* in its entirety and insert a new Section 604.17 in the *Fire Code* in its place to read as follows:

604.1.7 Group I-2 Occupancies. In Group I-2 occupancies, where an essential electrical system is located in flood hazard areas established in Section 1612.3 of the *Building Code* and where new or replacement essential electrical system generators are installed, the system shall be located and installed in accordance with ASCE 24. Where connections for hookup of temporary generators are provided, the connections shall be located at or above the elevation required in ASCE 24.

Subtitle 12-I[RE] DCMR, ENERGY CONSERVATION CODE SUPPLEMENT OF 2017 – RESIDENTIAL PROVISIONS, is amended as follows:

Chapter 4, RESIDENTIAL ENERGY EFFICIENCY, is amended as follows:

Tables R405.2 and R405.5 are amended to read as follows:

TABLE R405.2

Equipment Type	Efficiency
Split and Packaged Air Conditioners	≥ 15 SEER ^a
Split and Packaged Air Source Heat Pumps	≥ 15 SEER ^a , ≥ 9.0 HSPF ^b
Gas-fired Furnace	≥ 90% AFUE ^c and Furnace Fan Efficiency ≤ 2.0% or Electronically Commutated Motor (ECM)
Gas-fired Boiler	≥ 90% AFUE ^c
Ground Source Heat Pump	≥ 17.1 EER ^d and ≥ 3.6 COP ^e

- a. SEER - Seasonal Energy Efficiency Ratio
- b. HSPF – Heating Seasonal Performance Factor
- c. AFUE – Annual Fuel Utilization Efficiency
- d. EER – Energy Efficiency Ratio
- e. COP – Coefficient of Performance

TABLE R405.5

Equipment Type	Efficiency
Gas Storage Water Heaters	≥ 0.78 Uniform Energy Factor (UEF) or ≥ 0.90 Energy Factor (EF)
Tankless Water Heaters	≥ 0.92 Uniform Energy Factor (UEF) with

	<u>electronic ignition or ≥ 0.95 Energy Factor (EF) with electronic ignition</u>
Electric Water Heaters	<u>≥ 2.2 Uniform Energy Factor (UEF) or ≥ 2.2 Energy Factor (EF)</u>

Subtitle 12-J DCMR, EXISTING BUILDING CODE SUPPLEMENT OF 2017, is amended as follows:

Chapter 9, ALTERATIONS – LEVEL 3, is amended as follows:

Section 909, VENTILATION, is added as follows:

New Subsection 909.1 is added to read as follows:

909.1 Ventilation required. Where an existing *dwelling unit* is undergoing a Level 3 alteration and its air infiltration rate is less than five (5) air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section R402.4.1.2 of the *Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *Mechanical Code*.

All persons desiring to comment on these proposed regulations should submit comments via email to Danielle Gurkin, Chairperson, Construction Codes Coordinating Board, Department of Consumer and Regulatory Affairs, at cccbchair.dkra@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 contact Danielle Gurkin via e-mail at cccbchair.dkra@dc.gov or by telephone at (202) 899-3597. After publication in the *D.C. Register*, free copies of the proposed rules are available on the website of the Office of the Secretary of the District of Columbia, Office of Documents and Administrative Issuances at <https://www.dcregs.dc.gov/> or can be obtained from the e-mail address listed above.

D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF PROPOSED RULEMAKING

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to the authority established in [Mayor's Order 2008-92](#), dated June 26, 2008; [Mayor's Order 2019-081](#), dated September 13, 2019, and § 404(a) 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 § 1-604.04(a) (2016 Repl.)), hereby gives notice of her intent to adopt the following amendments to Chapter 4 (Suitability) and Chapter 16 (Corrective and Adverse Actions; Enforced Leave; and Grievances) of Title 6 (Personnel), Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

These proposed rules will amend § 434 to remove the current requirement that employees in safety-sensitive positions who have been in a leave status for thirty (30) or more days shall be subject to return-to-duty drug and alcohol testing. The proposed rules will also amend § 1623.1 to authorize the personnel authority to serve as a deciding official for disciplinary purposes. Section 1623.1 defines the "deciding official" as the agency head, or his or her designee. However, § 436.9 authorizes the personnel authority to terminate an employee when he or she is deemed unsuitable. The proposed rules would harmonize § 436.9 and § 1623.1 by clarifying in § 1623.1 that the personnel authority may serve as a deciding official.

Section 434, RETURN-TO-DUTY AND FOLLOW-UP DRUG AND ALCOHOL TESTING, Chapter 4, SUITABILITY, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended to read as follows:

- 434.1 Employees in safety sensitive positions who acknowledge a drug or alcohol problem and complete a counseling or rehabilitation program, as provided in § 426.4, shall be subject to return-to-duty and follow-up tests, except when the employee has been separated from the safety-sensitive position.
- 434.2 Employees in safety sensitive positions who test positive for cannabis, and for whom a corrective or adverse action is imposed, shall be subject to a return-to-duty or follow-up drug and alcohol test, except when the employee has been separated from the safety-sensitive position.
- 434.3 Return-to-duty and follow-up tests shall be conducted as set forth in §§ 425 and 427.

Subsection 1623.1 of Section 1623, FINAL AGENCY DECISION, Chapter 16, CORRECTIVE AND ADVERSE ACTIONS; ENFORCED LEAVE; AND GRIEVANCES, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended to read as follows:

- 1623.1 The final agency decision relating to a corrective or adverse action against an employee shall be made by the deciding official, who shall be the agency head, the personnel authority, or their designee. A proposing official may not serve as the deciding official for the same matter, except when the size of the agency mandates otherwise.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to the D.C. Department of Human Resources, Policy and Compliance Administration. Comments may be submitted by mail to 1015 Half Street SE, 9th Floor, Washington, D.C. 20003, or by e-mail to dchr.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (2014 Repl.)), Sections 2 and 2e(b) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02 and 1501.02e(b) (2014 Repl.)), and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 4 (Motor Vehicle Title and Registration) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rule sets the application and display fee for an arts and humanities motor-vehicle identification tag.

The Director of the Department of Motor Vehicles hereby gives notice of intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Section 433, ORGANIZATION TAGS, is amended as follows:

A new Subsection 433.12 is added to read as follows:

433.12 A resident ordering an arts and humanities motor vehicle identification tag as described in D.C. Official Code § 50-1501.02e, shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25 and the display fee shall be \$20.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, dmvpubliccomments@dc.gov, or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking may be obtained, at cost, by writing to the above address.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905), Sections 6 and 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01), Sections 3 and 10 of the Uniform Classification and Commercial Driver’s License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-402) and Mayor’s Order 91-161, dated October 15, 1991, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 13 (Commercial Driver Licenses and Commercial Learner Permits) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The amendments will require individuals seeking a commercial learner permit or seeking to convert their commercial driver license issued by another United States jurisdiction to Washington, DC, to complete training in the recognition, prevention and reporting of human trafficking.

This rulemaking will also be submitted for a forty-five (45) day period of review by the Council of the District of Columbia pursuant to section 10 of the Uniform Classification and Commercial Driver’s License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409).

Final rulemaking action shall not be taken in less than thirty (30) days after the date of publication of this notice in the *D.C. Register*, and shall not be taken until the expiration of a forty-five (45) day Council review period or affirmative approval by the Council in less than forty-five (45) days.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 13, COMMERCIAL DRIVER LICENSES AND COMMERCIAL LEARNER PERMITS, is amended as follows:

Section 1302, ISSUANCE OF COMMERCIAL LEARNER PERMIT, is amended as follows:

By adding a new Subsection 1302.9 to read as follows:

1302.9 A commercial learner permit shall be issued only to persons who have completed training in the recognition, prevention and reporting of human trafficking.

Section 1303, ISSUANCE OF COMMERCIAL DRIVER LICENSE AND COMMERCIAL LEARNER PERMIT, is amended to read as follows;

By adding a new Subsection 1303.9 to read as follows:

1303.9 A person converting their commercial out of state commercial driver license shall not be issued a Washington, DC commercial driver license until that person has completed training in the recognition, prevention and reporting of human trafficking.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, dmvpubliccomments@dc.gov, or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking may be obtained, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

SECOND 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. On June 12, 2020, the Commission issued a Notice of Proposed Ruling (NOPR) amending the Commission's RPS rules to clarify the operation of certain provisions of the Distributed Generation Amendment Act of 2011 (DGAA)¹ in order to provide more regulatory certainty in the *D.C. Register*.² 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, 2011.³ 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.⁴

3. Comments filed in response to the NOPR were primarily concerned with solar energy systems being connected to distribution feeders serving the District through service connections and/or extensions of the distribution system being eligible for certification to meet the solar portion of the Tier One requirement of the Renewable Energy Portfolio Standard.⁵ Currently, Pepco's tariffs allow service connections and/or line extensions to be performed that allow locations not located within the District and not in locations served by a distribution feeder serving

¹ *Distributed Generation Amendment Act of 2011, D.C. Law 19-36*, effective October 20, 2011 ("DGAA").

² 67 DCR 7507-7509 (June 12, 2020).

³ DGAA, Section 2(a)(3).

⁴ DGAA, Section 2(a)(3).

⁵ See generally *RM29-2020-02, In the Matter of 15 DCMR Chapter 29-Renewable Energy Portfolio Standard*, Comments of MDV-SEIA, filed July 13, 2020; Comments of PROSPECT Solar LLC, filed July 13, 2020; Comments of the District of Columbia Department of Energy & Environment, filed July 13, 2020; Comments of Ameresco, filed July 15, 2020; and Motion to File Late Comments and Comments of District of Columbia Water and Sewer Authority, filed July 17, 2020.

the District to be connected to a distribution feeder serving the District.⁶

4. The Council of the District of Columbia (Council) amended the District RPS statute to limit eligibility for certification to meet the solar portion of the Tier One requirement of the RPS after January 31, 2011, to solar energy systems located within the District or in locations served by a distribution feeder serving the District are eligible, ensuring that “only solar systems located on the District distribution grid qualify towards D.C.’s RPS, or solar energy goals.”⁷

5. Given the Council’s intent, Subsection 2902.1 has been amended to disallow solar energy systems connecting to a distribution feeder serving the District through a service connection and/or extension of the distribution system from being eligible for certification to meet the solar portion of the Tier One requirement of the Renewable Energy Portfolio Standard.

6. This NOPR supersedes the June 12, 2020, NOPR.

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 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 or in a location served by a distribution feeder serving the District are not eligible for certification to meet the solar portion of the Tier One requirement of the RPS through a new service connection and/or an extension of the distribution system;
- (c) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, regardless of

⁶ See generally Pepco’s General Terms and Conditions for Furnishing Electric Service in the District of Columbia at 32-43 (February 7, 2020).

⁷ Committee Report on Bill 19-10, “Distributed Generation Amendment Act of 2001”, Committee on Public Services and Consumer Affairs (May 26, 2011) at 2.

capacity, may be certified to meet the non-solar portion of the Tier One requirement of the RPS;

- (d) 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;
- (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, 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;
- (f) 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; 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.

...

7. 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.

OFFICE OF THE SECRETARY

NOTICE OF PROPOSED RULEMAKING

The Secretary of the District of Columbia (“Secretary”), pursuant to the authority set forth in Section 31 of the Revised Uniform Law on Notarial Acts Act of 2018 (“Act”), effective December 4, 2018, (D.C. Law 22-189; D.C. Official Code § 1-1231.31); Section 3(k) of Mayor’s Order 97-177, dated October 9, 1997; and Mayor’s Order 2019-093, dated October 21, 2019, hereby gives notice of the intent to adopt the following amendments to Chapter 24 (Notaries Public) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR). The purpose of these amendments is to implement the Act.

The Secretary also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

Chapter 24, NOTARIES PUBLIC, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is deleted in its entirety and replaced with the following new Chapter 24:

CHAPTER 24: NOTARIES PUBLIC**2400 APPLICATION REQUIREMENTS AND PROCESS FOR NOTARY PUBLIC COMMISSION; ENDORSEMENT AS AN ELECTRONIC NOTARY**

2400.1 An applicant for a commission from ONCA as a notary public shall:

- (a) Be at least 18 years of age;
- (b) Be a citizen or permanent legal resident of the United States;
- (c) Be a resident of, or have a primary place of employment or practice in, the District; and
- (d) Not be disqualified to receive a commission under Section 23 of the Act (D.C. Official Code § 1-1231.22) and Section 2423 of this chapter.

2400.2 An applicant for a commission from ONCA as a notary public shall:

- (a) Complete a training class provided by the Secretary or ONCA, if the applicant is applying for the first time for a commission as a notary public;
- (b) Take the oath prescribed for civil officers in the District as set forth in D.C. Official Code § 1-501 (2016 Repl.);

- (c) File the applicant's signature and deposit an impression of the applicant's official seal with ONCA;
 - (d) Indicate, on a form provided by ONCA, the language(s) of records in which the applicant intends to perform notarial acts; *provided, that* the applicant shall be required to read and write in the language of any record on which the applicant performs a notarial act; and
 - (e) Pay the seventy-five dollar (\$75.00) notary commission application fee.
- 2400.3 To apply for an electronic notary endorsement, an applicant who meets the requirements shall submit an electronic notary application on forms provided by ONCA and pay the application fee.
- 2400.4 An applicant may apply for an electronic notary endorsement only if the applicant currently holds an active notary public commission.
- 2400.5
- (a) An individual applying for an electronic notary endorsement must do the following within thirty (30) days of receiving the endorsement, or forfeit the endorsement:
 - (1) Complete a training course provided by ONCA;
 - (2) Take the oath prescribed for civil officers in the District as set forth in D.C. Official Code § 1-501;
 - (3) Notify ONCA of the tamper-evident technology provider that the electronic notary intends to use; and
 - (4) File an exemplar of the electronic notary's electronic signature and official seal.
 - (b) The individual shall not perform his or her initial electronic notarial act until he or she has complied with Section 2400.5(a).
- 2400.6
- (a) Except as provided in Subsection 2400.7, before ONCA issues an applicant a commission as a notary public, the applicant shall submit to ONCA an assurance in the form of a surety bond, or its functional equivalent, in the amount of \$2,000. The assurance shall:
 - (1) Be issued by a surety or other entity licensed or authorized to do business in the District;
 - (2) Cover acts performed during the term of the notary public's commission; and

(3) Be in the form prescribed by ONCA.

- (b) The surety or issuing entity shall notify ONCA not later than thirty (30) days after making a payment to a claimant under the assurance.
- (c) A notary public commissioned by ONCA may perform notarial acts in the District only during the period that a valid assurance is on file with ONCA.
- (d) A notary public must maintain a valid assurance during the term of the notary public's commission.

2400.7 A notary public commissioned only on behalf of the government of the District of Columbia is exempt from the requirement of a surety bond or functional equivalent under Subsection 2400.6. A District of Columbia Government Notary may only perform notarial acts in that capacity on behalf of the District of Columbia government.

2400.8 Once an applicant satisfies Section 2400.1, 2400.2, and 2400.6(a), ONCA shall issue the applicant a commission as a notary public for a term of five (5) years, subject to revocation of the commission pursuant to Section 23 of the Act (D.C. Official Code § 1-1231.22) and Section 2423 of this chapter. A certificate issued by ONCA granting this commission shall be signed by the Secretary or the Secretary's designee.

2400.9 A commission from ONCA to act as a notary public authorizes the notary public to perform notarial acts only within the District. The commission does not provide a notary public any immunity or benefit conferred by law of the District on public officials or employees.

2400.10 As part of a notary public commission application to ONCA, an applicant shall provide his or her name as the applicant wishes to have it read on his or her commission.

2400.11 A notary public that is not otherwise authorized to perform notarial acts under the Act, or under state or federal law, shall reapply with ONCA for each commission term before performing notarial acts.

2401 APPROVAL OR DENIAL OF APPLICATION

2401.1 If the applicant fulfills the requirements for a notary public commission or an electronic notary endorsement, ONCA shall approve the application and issue the commission.

2401.2 An applicant for a new notary public commission or a renewal of a notary public commission from ONCA shall not, except to the extent authorized by Section 10 of the Act (D.C. Official Code § 1-1231.09) or federal law, perform any notarial acts before taking the oath of office for a new or renewed commission.

2401.3 A notary public may not perform any electronic notarial acts before receiving an electronic notary endorsement from ONCA unless the notary has authority to do so pursuant to a statute other than the Act or a regulation outside this chapter.

2401.4 ONCA may deny a commission or endorsement if the applicant fails to comply with these rules or does not meet the application requirements.

2402 TERM OF COMMISSION

2402.1 The term of a notary public commission shall expire five (5) years after the notary public’s commission date.

2402.2 An electronic notary endorsement is valid from the date ONCA issues it and will remain valid as long as the notary public's current notary commission remains valid, unless ONCA terminates the endorsement before that time pursuant to Section 23 of the Act (D.C. Official Code § 1-1231.22).

2403 FEES

2403.1 ONCA shall charge the following fees:

Title of Fee	Fee
Application for notary public commission	\$75.00
Application for electronic records notary public endorsement	\$30.00
Renewal of notary public commission	\$75.00
Renewal of electronic records notary public endorsement	\$30.00

2403.2 A notary public in the service of the government of the United States or the District of Columbia shall not be required to pay an application fee for an ONCA-issued notary public commission, or for an endorsement as an electronic notary, if the applicant’s notarial duties are confined to official federal or District government business.

2404 SIZE AND FORM OF OFFICIAL SEAL

2404.1 The official seal of a notary public commissioned by ONCA shall include the following:

- (a) The words “notary public”;
- (b) The words “District of Columbia”;
- (c) The notary public’s name as commissioned; and
- (d) The notary public’s commission expiration date.

- 2404.2 The type on this seal shall be a minimum of 8-point type.
- 2404.3 The seal shall conform to the following physical requirements:
- (a) The seal shall be one and three-quarters inches (1.75 inches) diameter;
 - (b) The face of the seal shall be permanently affixed; and
 - (c) If the seal is affixed to a tangible record, the seal impression shall be legible, permanent, and photographically reproducible.
- 2404.4 If the document being notarized is made of a non-porous material, such as Mylar or a similar material to which standard ink will not adhere, an embossed seal shall be used alone or in conjunction with a non-porous, permanent ink that dries through evaporation, which will adhere without smearing.
- 2404.5 The seal shall not contain the District of Columbia corporate seal.

2405 ACQUIRING OFFICIAL SEAL

- 2405.1 A notary public commissioned by ONCA shall procure an official seal only after receiving the appointment notice evidencing the notary public's commission from ONCA and shall provide a copy of this notice to their chosen seal vendor as part of procuring the seal upon request.
- 2405.2 A notary public with a commission from ONCA that was in effect on December 4, 2018, may continue to use their notarial seal until their commission expires.

2406 REPLACEMENT OF LOST OR STOLEN OFFICIAL SEAL

- 2406.1 When the seal of a notary public commissioned by ONCA or the electronic seal of an electronic notary is lost or stolen, the notary public or electronic notary shall notify ONCA, in writing, within ten (10) business days of discovering the seal was lost or stolen.
- 2406.2 The notary public or electronic notary may not obtain a replacement official seal until they have properly notified ONCA in writing that the original was lost or stolen.
- 2406.3 A replacement official seal must not be different in any respect from the original seal, and the notary public or electronic notary must provide ONCA an impression of the new seal.
- 2406.4 If the original seal or electronic seal, which was lost or stolen, is found or recovered after a replacement has been obtained, the notary public or electronic notary shall destroy the original seal.

2407 NOTARY SIGNATURE AND CERTIFICATE REQUIREMENTS

2407.1 When a notary public commissioned by ONCA signs the certificate of a completed notarial act, the notary shall sign the certificate using the exact name that appears on the notary's certificate of commission and his or her seal.

2407.2 Notarial acts performed shall, except in the case of notarial acts authorized under a commission from the federal government, be evidenced by a notarial certificate. The notarial certificate shall:

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be dated;
- (c) Identify the jurisdiction in which the notarial act is performed;
- (d) Contain the notarial officer's title of office; and
- (e) If the notarial officer is a notary public commissioned by ONCA:
 - (1) Be signed by the notary public in the same manner as on file with ONCA; and
 - (2) Indicate the date of expiration of the notary's commission.

2407.3 If a notarial act (other than a notarial act authorized by the federal government) regarding a tangible record is performed by a notary public, an official seal shall be affixed to or directly embossed on the certificate. If a notarial act (other than a notarial act authorized by the federal government) is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in Subsections 2407.2(b), (c) and (d) of this Section, an official seal may be affixed to or embossed on the certificate.

2407.4 A certificate of a notarial act is sufficient if it meets the requirements of Subsections 2407.2 and 2407.3 of this Section and it:

- (a) Is in:
 - (1) A short form as set forth in Section 16 of the Act (D.C. Official Code § 1-1231.15);
 - (2) A form otherwise permitted by the law of the District; or
 - (3) A form permitted by the law applicable in the jurisdiction in which the notarial act was performed; and

(b) Sets forth the actions of the notary public.

2407.5 By executing a certificate of a notarial act, a notary public certifies that the notary has complied with the requirements, and made the determinations, specified in Sections 4 through 6 of the Act (D.C. Official Code §§ 1-1231.03, 1-1231.04, and 1-1231.05).

2407.6 A notary public shall not affix the notary’s signature to, or logically associate it with, a certificate until the notarial act has been performed.

2407.7 If a notarial act is performed regarding a tangible record, a seal shall be part of, or securely attached directly to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record.

2408 REQUIREMENTS FOR NOTARIAL ACTS: PERSONAL KNOWLEDGE; SATISFACTORY EVIDENCE OF OCCURENCE AND PERFORMANCE.

2408.1 A notary public who performs a notarial act pursuant to a commission or an electronic notary endorsement from ONCA shall do so within the geographic borders of the District of Columbia.

2408.2 A notary public commissioned or issued an electronic notary endorsement by ONCA who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notary and signing the record has the identity claimed.

2408.3 A notarial officer has personal knowledge of the identity of an individual appearing before the notary if prior dealings between the notary and the individual give the notary reasonable certainty that the individual has the identity claimed.

2408.4 A notarial officer has satisfactory evidence of the identity of an individual appearing before the notary if the notary can identify the individual by means of:

(a) Current government-issued identification that is:

(1) A passport, driver’s license, or government-issued non-driver identification card; or

(2) Another form of government identification issued to an individual, which contains the signature or a photograph of the individual and is satisfactory to the notary; or

(b) A verification on oath or affirmation of a credible witness personally appearing before the notary and known to the notary or whom the notary

can identify based on a current passport, driver's license, or government-issued non-driver identification card.

- 2408.5 If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by [name of other individual] at the direction of [name of individual]" or words of similar import.
- 2408.6 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.
- 2408.7 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.
- 2408.8 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.
- 2408.9 Electronic notarial acts shall conform to the requirements listed in these rules and Section 21 of the Act (D.C. Official Code § 1-1231.20).
- 2408.10 A notarial officer, other than a notary public acting pursuant to a commission from the federal government, who makes or notes a protest of a negotiable instrument shall determine the matters set forth in D.C. Official Code § 28:3-505(b), "Evidence of Dishonor".

2409 AUTHORIZED ELECTRONIC NOTARIAL ACTS

- 2409.1 A notary public who has received an electronic notary endorsement from ONCA may perform the following electronic notarial acts:
- (a) Taking an acknowledgment;
 - (b) Taking verification on oath or affirmation;
 - (c) Witnessing or attesting a signature;
 - (d) Certifying or attesting a copy;
 - (e) Certifying that an event has occurred, or an act has been performed; and

- (f) Noting a protest of a negotiable instrument, if the notary public is:
 - (1) Licensed to practice law in the District of Columbia;
 - (2) Acting under the authority of an attorney who is licensed to practice law in the District of Columbia or another state; or
 - (3) Acting under the authority of a financial institution regulated by the District of Columbia, another state, or the federal government.

2410 REQUIREMENTS FOR TECHNOLOGIES AND TECHNOLOGY PROVIDERS

2410.1 A tamper-evident technology shall comply with these rules:

- (a) A technology provider shall enroll only notaries public who have been issued an electronic notary endorsement pursuant to Section 2400.
- (b) A technology provider shall take reasonable steps to ensure that a notary public who has selected that provider's technology has the knowledge to use it to perform electronic notarial acts in compliance with these rules.
- (c) A tamper-evident technology shall require access to the system by a password, or other secure means of authentication.
- (d) A tamper-evident technology shall enable a notary public to affix the notary's electronic signature and electronic seal in a manner that attributes such signature and seal to the notary, and in such a manner that a party that sought the notary's signature and seal on one (1) or more documents, or who seeks access to one (1) or more documents containing that signature and seal, can detect unauthorized tampering or alteration of the electronic document after it has been digitally signed by the electronic notary.

2411 REFUSAL OF REQUESTS TO USE SYSTEM

2411.1 An electronic notary may refuse to perform a notarial act for the reasons listed in Section 8 of the Act (D.C. Official Code 1-1231.07) and Section 2416 of this chapter, and shall also refuse a request to:

- (a) Use a tamper-evident technology that the electronic notary does not know how to operate; or
- (b) Perform an electronic notarial act if the electronic notary has a reasonable belief that a tamper-evident technology does not meet the requirements set forth in these rules.

2412 COMPLETION OF ELECTRONIC NOTARIAL CERTIFICATE

2412.1 For every electronic notarial act, an electronic notary shall complete an electronic notarial certificate that complies with the requirements of Sections 15 and 16 of the Act (D.C. Official Code §§ 1231.14 and 1-1231.15).

2412.2 An electronic notarial certificate shall be completed at the time of notarization and in the physical presence of the individual making the statement or executing the signature.

2413 CERTIFICATION OF ELECTRONIC NOTARIAL ACTS

2413.1 An electronic notary shall sign each electronic notarial certificate with an electronic signature that complies with Section 2414 and authenticate an electronic notarial act with an official electronic seal that complies with Section 2415.

2414 ELECTRONIC NOTARIAL SIGNATURE

2414.1 An electronic notary shall use a tamper-evident technology that complies with Section 2410 to produce the notary's electronic signature in a manner that is capable of independent verification.

2414.2 An electronic notary shall take reasonable steps to ensure that no other individual may possess or access the notary's electronic signature.

2414.3 An electronic notary shall keep in the sole control of the notary all or any part of a tamper-evident technology whose exclusive purpose is to perform electronic notarial acts.

2414.4 For the purposes of this Section, "capable of independent verification" means that any interested individual may confirm through ONCA that an electronic notary who signed an electronic record in an official capacity had authority at that time to perform electronic notarial acts.

2415 ELECTRONIC NOTARIAL SEAL

2415.1 An electronic seal may be used to authenticate an electronic notarial act if the electronic notarial certificate conforms to the requirements set forth in Sections 15 and 16 of the Act (D.C. Official Code §§ 1-1231.14 and 1-1231.15).

2415.2 The electronic seal of an electronic notary shall be a digital image that appears in the likeness or representation of a traditional physical notary public official seal meeting the requirements of Section 17 of the Act (D.C. Official Code § 1-1231.16 and Section 2404 of this chapter).

2415.3 The tamper-evident technology used to create an electronic notary's electronic seal shall not be used for any purpose other than performing electronic notarial acts under Sections 20 and 21 of the Act (D.C. Official Code §§ 1-1231.19 and 1-1231.20) and this chapter.

2415.4 Only the electronic notary to whom the tamper-evident technology is registered shall generate an official electronic seal.

2416 REFUSAL TO PERFORM NOTARIAL ACTS

2416.1 A notary public may refuse to perform a notarial act unless refusal is prohibited by a law other than this chapter.

2416.2 A notary public, other than a notary public acting pursuant to a commission from the federal government, may refuse to perform a notarial act if the notary is not satisfied that:

- (a) The individual executing the record is competent or has the capacity to execute the record; or
- (b) The individual's signature is knowingly and voluntarily made.

2417 JOURNAL OF NOTARIAL ACTS REQUIRED

2417.1 A notary public commissioned by ONCA shall record each notarial act in a journal at the time of notarization in compliance with Section 19 of the Act (D.C. Official Code § 1-1231.18) and these rules as follows:

- (a) The notary public shall maintain a journal in which the notary records all notarial acts that the notary performs. The notary shall retain the journal until required to transmit the journal to ONCA under paragraphs (e) and (f) of this Subsection.
- (b)
 - (1) A journal may be created on a tangible medium or in an electronic format.
 - (2) The notary may maintain a separate journal for tangible records. If the journal is maintained on a tangible medium, it shall be a permanent bound register with numbered pages. If the journal is maintained in an electronic format, it shall be protected with technology designed to allow a person inspecting the journal to determine whether there has been any tampering with its integrity.
- (c) An entry in a journal shall be made contemporaneously with performance of the notarial act performed in the physical presence of the notary and contain the following information:
 - (1) The date and time of the notarial act;
 - (2) A description of the record, if any, and type of notarial act;

- (3) The full name and address of each individual for whom the notarial act is performed;
 - (4) If the identity of the individual is based on personal knowledge, a statement to that effect;
 - (5) If the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of an identification credential when such a credential is used;
 - (6) The fee, if any, charged by the notary; and
 - (7) The signature of each individual for whom the notarial act is performed.
- (d) If a notary public’s journal is lost or stolen, the notary shall notify ONCA within ten (10) business days of discovering the journal was lost or stolen. The notary must purchase a new journal within fifteen (15) days of discovering the journal was lost or stolen.
 - (e) If the notary public terminates his or her commission, or that commission is revoked or suspended, the notary shall transmit the journal to ONCA.
 - (f) If the notary dies or is adjudicated incompetent, the notary’s personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to ONCA.

2418 FORMAT OF JOURNALS OF NOTARIAL ACTS

2418.1 A tangible notarial journal shall:

- (a) Be a permanent, bound book with numbered pages; and
- (b) Have the capacity to record for each notarial act:
 - (1) The information required by Section 2417;
 - (2) A description of the notary public’s method of identifying the individual for whom the notarial act is performed; and
 - (3) The individual’s signature, or the signature of an authorized party in compliance with Section 9 of the Act (D.C. Official Code § 1-1231.08).

2418.2 If a notary public subject to Section 19 of the Act (D.C. Official Code § 1-1231.18) keeps an electronic journal pursuant to that provision, the electronic journal shall:

- (a) Record the same information required for a tangible notarial journal;
- (b) Enable access by a password or other secure means of authentication;
- (c) Create a duplicate record of the journal as a backup; and
- (d) Be capable of providing tangible or electronic copies of any entry made in the journal.

2419 DISPOSITION OF JOURNAL

2419.1 The personal representative or guardian of a notary public commissioned by ONCA shall, if the notary dies or is adjudicated incompetent, follow Section 2417.1(f) related to the disposition of the notary’s journals

2419.2 If a notary public terminates his or her commission, the notary’s commission is revoked or expires without renewal, or the notary dies or is adjudicated incompetent, the notary or the notary’s personal representative shall provide access instructions to the ONCA for any electronic journal maintained or stored by the notary.

2420 FEES FOR NOTARIAL ACTS

2420.1 The maximum fee a notary public commissioned by ONCA may charge for notarial acts are:

Notarial Act	Fee
Witnessing or attesting a signature	\$ 5.00
Taking an acknowledgment or a verification upon oath or affirmation	\$ 5.00
Certifying or attesting a copy	\$ 5.00
Administering an oath or affirmation	\$ 5.00
Certifying that an event has occurred, or an act has been performed	\$ 5.00

2420.2 Except for a notary public commissioned by the federal government, a notary public, including an electronic notary, who is exempted from paying the application fee pursuant to Section 20(b) of the Act (D.C. Official Code § 1-1231.19(b)) shall not collect a notary fee.

2420.3 Nothing in this chapter shall be construed to require that a notary public or an electronic notary charge for notarial acts.

2420.4 A notary public commissioned by ONCA, including an electronic notary, may, in addition to the fees described in Subsection 2420.1, charge the actual costs of

copying any instrument or record. The notary may not charge any other additional fees when performing the notarial act in the notary's place of business or residence.

2420.5 A notary public commissioned by ONCA may charge a travel fee when traveling to perform a notarial act if:

- (a) The notary public and the individual requesting the notarial act agree upon the travel fee in advance of the travel;
- (b) The notary public explains to the individual requesting the notarial act that the travel fee is in addition to the notarial fee in Section 2420.1 and is not required by law;
- (c) The fee is for travel to a place that is not the usual place where the notary public performs notarial acts; and
- (d) The fee does not exceed the actual and reasonable expense of traveling to the place where the notarial act is to be performed.

2420.6 Except as authorized by statute or regulation, a District of Columbia Government Notary shall not charge a fee for notarial acts performed in that capacity.

2421 FORMS

2421.1 The forms in Section 16 of the Act (D.C. Official Code § 1-1231.15) are examples of certificates with the sufficient information included. In contexts where another District law requires a specific form, that form shall be used.

2422 CHANGE OF NAME OR ADDRESS

2422.1 When a notary public changes his or her name or address, the notary shall notify ONCA of such change on forms prescribed by ONCA.

2422.2 A name change notification must be accompanied by a bond rider from the bonding company amending the notary bond, which shall include a duplicate notary certificate showing the new name. ONCA will not impose a fee for a name or address change and will not issue a new certificate.

2422.3 A notary that submits a name change notification shall continue to use their original notary seal and their original name and signature until ONCA renews their commission. Upon renewal, the notary will receive a new commission certificate and seal with the new information.

2423 DENIAL OR REFUSAL TO RENEW, REVOKE, SUSPEND, OR IMPOSE A CONDITION ON A COMMISSION AS NOTARY PUBLIC OR ENDORSEMENT AS AN ELECTRONIC NOTARY

2423.1 (a) Notwithstanding Section 2400.8, ONCA may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public, or an endorsement as an electronic notary, for any act or omission that

demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, as set forth in Section 23 of the Act (D.C. Official Code § 1-1231.22). Any restriction, suspension, or revocation of a notary public's commission will automatically have the same effect on any electronic notary endorsement the notary public holds.

- (b) If ONCA denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public or endorsement as an electronic notary, the applicant or notary public is entitled to timely notice and hearing before the Office of Administrative Hearings pursuant to Section 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-20)) and § 2422.
- (c) The authority of ONCA to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public shall not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

2423.2 A notary public may terminate their notary public commission or electronic notary endorsement by notifying ONCA of this intent in writing. In the case of an electronic notary endorsement, the electronic notary shall notify ONCA of this intent in writing and dispose of all or any part of a tamper-evident technology in the notary's control whose purpose was to perform electronic notarizations.

2423.3 A notary public may terminate the electronic notary endorsement but still maintain the notary public commission.

2423.4 A notary public whose commission is terminated or expired, either by the notary or ONCA shall disable their official seal by destroying, defacing, damaging, or securing the device against use.

2424 PROHIBITED ACTS

2424.1 A commission as a notary public shall not authorize an individual to:

- (a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;
- (b) Act as an immigration consultant or an expert on immigration matters;
- (c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or
- (d) Receive compensation for performing any of the activities listed in this Subsection.

- 2424.2 A notary public shall not engage in false or deceptive advertising.
- 2424.3 A notary public, other than an attorney licensed to practice law in the District, shall not represent him or herself to be a “notario” or “notario publico”.
- 2424.4 (a) A notary public, other than an attorney licensed to practice law in the District, shall not advertise or represent that the notary may assist persons in drafting legal records, give legal advice, or otherwise practice law.
- (b) If a notary public who is not an attorney licensed to practice law in the District in any manner advertises or represents that the notary offers notarial services, whether orally or in a record, including through broadcast media, print media, and the Internet, then the notary shall include the following statement in the advertisement or representation, prominently and in each language used in the advertisement or representation: “I am not an attorney licensed to practice law in the District. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.” If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this Subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.
- 2424.5 Except as otherwise authorized by law, a notary public shall, upon the request of a person who has provided the notary public with original records, return those records to the person.
- 2424.6 A notary public shall not charge a higher fee than permitted in rules issued by the Secretary and ONCA.

2425 CHANGE OF APPLICATION INFORMATION

- 2425.1 If any of the information submitted on a notary public’s commission application pursuant to § 2400 changes, the notary public shall report this change to ONCA in writing within fifteen (15) business days.

2426 FILING A PETITION FOR REVIEW OF ADVERSE NOTARY COMMISSION DECISION

- 2426.1 A petition for review shall be sent to the Office of Administrative Hearings (OAH), pursuant to 1 DCMR § 2808, within twenty (20) business days after service of the notice to deny, refuse to renew, revoke, suspend, or condition a commission.
- 2426.2 The petition for review may be delivered as follows:
- (a) By certified letter to the Office of Administrative Hearings, 441 Fourth Street, N.W., Suite 450 North, Washington D.C. 20001;

- (b) By email, pursuant to the procedures in 1 DCMR § 2841; or
 - (c) By fax, to (202) 442-4789.
- 2426.3 To file any paper at OAH, a person must bring, mail, fax, or have the paper delivered to the Clerk's office during regular business hours from 9:00 a.m. to 5:00 p.m. on a business day. A paper is filed on the day the Clerk's office receives it during business hours, except as provided in Subsections 2426.4 and 2426.5.
- 2426.4 The filing date of a fax transmission will be determined as follows:
- (a) The filing date is the date on which the fax is received in the Clerk's office between the hours of 9:00 a.m. and 5:00 p.m. If a paper is received on a date or at a time when the Clerk's office is not open, the paper shall be deemed to have been filed when the Clerk's office is next open.
 - (b) A party filing a paper by fax is responsible for delay, disruption, interruption of electronic signals, and legibility of the paper, and accepts the risk that the paper may not be filed.
 - (c) Any incomplete or illegible fax will not be considered received unless a hard copy of the fax is filed, or a complete and legible fax is received within three (3) calendar days of the first transmission. In a response to a motion, the Administrative Law Judge may extend this time.
- 2426.5 The filing date for an e-mail filing received between 9:00 a.m. and 5:00 p.m. on any OAH business day will be the date it is received in the correct OAH electronic mailbox. The filing date for an e-mail filing received at other times will be the next day that the Clerk's Office is open for business. The date and time recorded in the correct OAH electronic mailbox shall be conclusive proof of when it was received.
- 2426.6 The petition for review shall be signed by the petitioner and shall follow the guidance for requesting a hearing with the Office of Administrative Hearings pursuant to 1 DCMR § 2808, include the following:
- (a) A request for review of the decision of ONCA;
 - (b) A statement of why the petitioner believes the decision of ONCA was in error;
 - (c) A copy of the notice denying or revoking the notary commission;
 - (d) The petitioner's full name, address, telephone numbers, and email address, if available; and
 - (e) If the petitioner will be represented by legal counsel, the name, address, email address, and telephone number of that legal counsel.

- 2426.7 OAH shall, after receipt of the petition of review, notify the petitioner concerned of the time and place of a hearing. Hearings shall be governed by OAH Rules of Practice and Procedure, as set forth in 1 DCMR Chapter 28.
- 2427 CERTIFICATION (AUTHENTICATIONS) OF NOTARIES PUBLIC AND CERTIFICATION OF RECORDS**
- 2427.1 The Secretary shall issue certifications (authentications) of seals and signatures of notaries appointed in the District of Columbia pursuant to An Act To relieve the Commissioners of the District of Columbia of certain ministerial duties, approved February 11, 1932 (47 Stat. 48; D.C. Official Code § 1-301.23 (2016 Repl.)); the Notaries Public Authentications and License Fee Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; 57 DCR 6242, 6259 (July 23, 2010)) (increased fee for the issuance of certifications); Mayor's Order 97-177 §§ 3(c), 3(e), 3(f) and 13, dated October 9, 1997 (authority of the Secretary to execute agreements and affix the seal on behalf of the Mayor; for the Secretary to sign certificates issued by the Mayor; for the Secretary to have custody of the Official Seal of the District of Columbia, authenticate official records, and delegate such functions to subordinate offices), and Mayor's Order 2016-031, dated March 1, 2016.
- 2427.2 The Secretary shall issue certifications of the signatures of the District of Columbia governmental officials who are required to sign documents of public records. The certifications shall be as follows:
- (a) A Certificate: For documents that will be used within the United States, generally for interstate commerce.
 - (b) Department Head Certificate: For documents that require the signature of an agency head (or his or her designee) and the official seal of the agency.
 - (c) Apostille: For documents destined for countries that are parties to the Hague Convention.
 - (d) Foreign Certificate: For documents destined for countries that are not parties to the Hague Convention.
- 2427.3 A fee of fifteen dollars (\$15.00) per certificate shall be charged for the issuance of District certifications under this Section. The certifications will be issued through the ONCA.
- 2427.4 For procedures on obtaining notarizations in other state or foreign jurisdictions that will be recognized in the District of Columbia, please see D.C. Official Code § 1-1231.13.

2499 **DEFINITIONS**

2499.1 For the purposes of this chapter, the term:

“**Acknowledgment**” means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

“**Act**” means the Revised Uniform Law on Notarial Acts of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 et seq.).

“**District of Columbia Government Notary**” means a District of Columbia government notary who is an individual applying for a notary commission on behalf of an agency of the government of the District of Columbia.

“**Electronic**” means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“**Electronic notary**” means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under Section 20(i) of the Act (D.C. Official Code § 1-1231.19(i)).

“**Electronic signature**” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

“**In a representative capacity**” means acting as:

- (A) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;
- (B) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;
- (C) An agent or attorney-in-fact for an individual; or
- (D) An authorized representative of another in any other capacity.

“**Notarial act**” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of the District. The term “notarial act” includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.

“Notarial sealer” means:

- (A) A physical device capable of affixing to or embossing on a tangible record an official seal;
- (B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or
- (C) A stamping device.

“Notary public” means an individual commissioned by the:

- (A) Mayor to perform notarial acts in the District; or
- (B) Commissioning authority of the federal government, a state, or a federally recognized Indian tribe.

“Official seal” means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.

“ONCA” means the Office of Notary Commissions and Authentications.

“Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

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

“Secretary” means the Secretary of the District of Columbia.

“Sign” means, with present intent to authenticate or adopt a record, to:

- (A) Execute or adopt a tangible symbol; or
- (B) Attach to or logically associate with the record an electronic symbol, sound, or process.

“Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

“Tamper-evident technologies” means technologies that are designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically

associated with a record or with the attachment or association of the notarial act with that electronic record.

“Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

Comments on these proposed rules may be submitted, in writing, to Judi Gold, Director, Office of Notary Commissions and Authentications, 441 4th Street N.W., Suite 810 South, Washington D.C. 20001, or email at notary@dc.gov, no later than thirty (30) days of the date of publication of this notice in the *District of Columbia Register*. Questions may be directed to (202) 727-3117. Copies of this rulemaking may be obtained at www.dcregs.dc.gov or are available, at cost, from the address above.

OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief Procurement Officer of the District of Columbia (CPO), pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06) (2016 Repl. & 2019 Supp.)), hereby gives notice of the adoption, on an emergency basis, of a new Section 1614 to Chapter 16 (Procurement by Competitive Sealed Proposals), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

This new section will establish prices the Department of Health Care Finance (DHCF) shall pay to the District of Columbia's Program of All-Inclusive Care for the Elderly (PACE) contractor. The Program of All-Inclusive Care for the Elderly Establishment Amendment Act of 2018, effective, March 13, 2019 (D.C. Law 22-246; D.C. Official Code § 7-571.01 *et seq.*) grants the District authority to create a PACE program in the District of Columbia, which will serve Wards 7 and 8. The goal of the PACE program is to provide comprehensive health care services designed to meet the following objectives: (1) enhance the quality of life and autonomy for frail, older adults; (2) maximize dignity of, and respect for, older adults; (3) enable frail, older adults to live in the community as long as medically and socially feasible; and (4) preserve and support the older adult's family unit. The monthly capitation payments are for services to be rendered by the contractors under the District's PACE program for the period from October 1, 2020, through December 31, 2021.

Emergency rulemaking action pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)) is necessary for the immediate preservation of the public health, safety, welfare, to provide essential health care services to individuals enrolled in the District's PACE program.

The CPO also gives notice of intent to take final rulemaking action to adopt this new section in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The emergency rules will remain in effect for up to one hundred twenty (120) days from August 14, 2020, the date of their adoption, and will expire on December 12, 2020, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27 DCMR, CONTRACTS AND PROCUREMENTS, is amended as follows:

Section 1614, RESERVED, is repealed and replaced with:

1614 PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

1614.1 Notwithstanding the requirements of § 1612.1, for services provided under the District's Medicaid Managed Care Program, for the period of October 1, 2020, through December 31, 2021, the Director sets the following monthly capitation

rates per person enrolled in a contractor’s Program of All-Inclusive Care for the Elderly (PACE) organization to be paid to a contractor selected through the solicitation, and no price evaluation factor will be required for procurement of these services:

Rate Cohort	Per-member, Per-month Rate
Full-benefit dual (all genders; ages 55+)	\$7,146.32
Medicaid-only participant (all genders; ages 55+)	\$10,618.35

All persons desiring to comment on the subject matter of this emergency and proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov, by postal mail, or hand delivery to the address above, or by calling (202) 727-0252. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

**Clean Rivers Impervious Surface Area Charge Relief Program
Emergency Residential Relief Program**

The Director of the Department of Energy and Environment (DOEE or the Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.* (2013 Repl. & 2019 Supp.)); the District of Columbia Water and Sewer Authority Rate Increase Mitigation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official § 34-2202.16b (2019 Supp.)); Section 307(a) of the Coronavirus Support Congressional Review Emergency Amendment Act of 2020, effective June 8, 2020 (D.C. Act 23-328; 67 DCR 7598 (June 19, 2020)); and Mayor’s Order 2018-104, dated December 31, 2018, hereby gives notice of the adoption of the following emergency rules to add new Sections 3710, 3711, 3712, 3713, 3714, 3715 to Chapter 37 (Customer Assistance Programs Eligibility Determinations) in Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR),

This rulemaking sets procedures related to a new DC Water bill relief program, the Clean Rivers Impervious Area Charge Emergency Residential Relief Program (CRIAC-ERRP), established by the COVID-19 Response Supplemental Emergency Amendment Act of 2020. CRIAC-ERRP provides eligible DC Water customers a bill credit equal to their outstanding balance.

This rulemaking is being promulgated as an emergency to allow eligible DC Water Residential Customers to immediately have access to the described benefits because the program was established in response to a public health emergency.

The emergency rulemaking was adopted and became effective on October 7, 2020. These emergency rules will remain in effect for one hundred twenty (120) days after adoption or 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 one hundred and five (105) calendar days thereafter, whichever occurs first, unless superseded by publication of another rulemaking notice in the *D.C. Register*.

Title 20 DCMR, ENVIRONMENT, is amended as follows:

Chapter 37, CUSTOMER ASSISTANCE PROGRAMS ELIGIBILITY DETERMINATIONS, is amended by adding new Sections as follows:

- 3710 CUSTOMER ASSISTANCE PROGRAMS CLEAN RIVERS IMPERVIOUS AREA CHARGE EMERGENCY RESIDENTIAL RELIEF PROGRAM**
- 3711 APPLICATION PROCESS**
- 3712 ELIGIBILITY**

3713 BENEFITS
3714 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS
3715 ADMINISTRATIVE APPEALS

3710 CUSTOMER ASSISTANCE PROGRAMS CLEAN RIVERS IMPERVIOUS AREA CHARGE EMERGENCY RESIDENTIAL RELIEF PROGRAM

3710.1 This chapter sets forth the process and appeal procedures for the Department’s determination of income eligibility for the payment of an outstanding water bill balance.

3710.2 This chapter also sets forth the Department’s eligibility criteria for the payment of an outstanding water balance.

3711 APPLICATION PROCESS

3711.1 A person seeking assistance with an outstanding water balance under this program shall file an application with the Department.

3711.2 The Department shall prescribe the form of the application to be filed, and provide either a paper or electronic application, which shall be signed or electronically signed by the applicant. The application shall state that the willful making of a material false statement in the application carries criminal penalties in accordance with § 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

3711.3 An authorized representative may apply on behalf of an applicant if the applicant provides:

- (a) A written and signed statement, or electronic signature, stating why the applicant cannot complete an application without a representative; and
- (b) The name and address of the person authorized to act on the applicant’s behalf.

3711.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3711.3, the Department may assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.

3712 ELIGIBILITY

3712.1 In order to be eligible for a benefit, the applicant household shall:

- (a) Be financially eligible, determined by whether or not the applicant’s annual household income is at or below one-hundred percent (100%) of the Area Median Income for the District of Columbia; and
- (b) Be responsible for payment of DC Water’s water and sewer services bill; and
- (c) Reside in the District of Columbia.

3712.2 The applicant must be at least eighteen (18) years old or emancipated.

3712.3 A determination of financial eligibility shall be based on the gross income of the household.

3712.4 As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, authorizing the Department to obtain or verify information necessary to process the application or for reporting purposes.

3712.5 Each applicant shall cooperate fully in establishing his or her eligibility, and the extent of the need, each of which shall include providing documentation or other proof of:

- (a) Household composition;
- (b) Income; and
- (c) Any additional information that the Department may require.

3712.6 The Department may, to the extent otherwise consistent with District or federal law, obtain the information used in determining eligibility from:

- (a) A document;
- (b) A telephone conversation or interview for which notes are taken;
- (c) Data from another government agency or utility provider;
- (d) Internet data; and
- (e) Other relevant sources.

3712.7 The eligibility and benefit determination will be completed within thirty (30) days after the Department receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects the Department’s ability to operate the Clean Rivers Impervious Area Charge Emergency Residential Relief

Program (CRIAC-ERRP), such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

- (a) An applicant's failure to supply information to document facts stated in an application;
- (b) An inability to contact an applicant after three (3) attempts;
- (c) Evidence of misrepresentation in an application;
- (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
- (e) A delay in receipt of necessary information over which the Department has no control.

3713 BENEFITS

- 3713.1 The benefit amount is equal to the current outstanding water bill balance of the applicant on the day the application determination is made by the Department, if such balance is greater than ten dollars and equal to or less than two-thousand dollars. If the balance is greater than two-thousand dollars, the benefit is equal to two-thousand dollars. The Department may waive this requirement for extenuating circumstances, but in no case will the benefit amount be greater than the amount of the outstanding water bill balance.
- 3713.2 CRIAC-ERRP benefits will be applied through a credit on the DC assessed water and sewer bill after the Department transfers funds to DC Water for this purpose.
- 3713.3 The benefits shall be approved once per fiscal year (October 1 – September 30), unless the Department determines that remaining available funds are sufficient to provide multiple benefits per fiscal year.
- 3713.4 Nothing in this chapter shall be interpreted to mean that the benefit provided to eligible households by the Department is an entitlement, continuing or otherwise.
- 3713.5 If the Department determines that remaining available funds may be insufficient to provide benefits during a fiscal year, the Department may:
- (a) Suspend the process of taking applications;
 - (b) Suspend the process of awarding benefits; or
 - (c) Revise the level of benefits to provide lower amounts.

3714 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS

- 3714.1 If an applicant is determined ineligible for the program, the Department will provide to the applicant notice of ineligibility, to include:
- (a) A statement of the determination of ineligibility and an explanation of that determination;
 - (b) A statement of the action that the applicant must take, if any, to be found eligible; and
 - (c) Notice of the applicant's right to appeal the determination, as provided in § 3715.
- 3714.2 If the Department determines that a prior eligibility decision for the program was based on material error, falsity, misrepresentation, concealment, omission, or fraud, the Department will:
- (a) Reopen the application;
 - (b) Inform the applicant of the Department's intended action;
 - (c) Provide the applicant with a reasonable opportunity to respond; and
 - (d) Revise or revoke the determination of eligibility.
- 3714.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

3715 ADMINISTRATIVE APPEALS

- 3715.1 With respect to a matter governed by §§ 3711 through 3714, an applicant adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within thirty (30) calendar days after receipt of the notice of the action.
- 3715.2 The decision of the Director or the Director's designee upon appeal shall become the final action of the Department. An applicant may seek review of that decision with, and request a hearing before, the Office of Administrative Hearings (OAH) within thirty (30) days of the Department's action. Prehearing practice and the conduct of the hearing shall be in accordance with 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 *et seq.*) and the regulations set forth at Title 1, Chapter 28 of the District of Columbia Municipal Regulations.

All persons desiring to comment on the emergency and proposed District of Columbia Clean Rivers Impervious Surface Area Charge Relief Program – Emergency Residential Relief Program regulations should file comments in writing not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should be labeled “Clean Rivers Impervious Surface Area Charge Relief Program – Emergency Residential Relief Program Regulations” and filed with the Department of Energy and Environment, Affordability & Efficiency Division, 1200 First Street NE, 7th Floor, Washington, DC 20002, Attention: Mackenzie Mathews, or by e-mail to Mackenzie.Mathews@dc.gov

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND SECOND 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 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 adoption, on an emergency basis, of an amendment to Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

On May 5, 2017, DHCF published an initial Notice of Proposed Rulemaking to amend Section 997 (Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS)) of Chapter 9 of Title 29 of the DCMR in the *D.C. Register* at 64 DCR 004235 (May 5, 2017). DHCF received comments on those proposed rules (see below), and after review of those comments and in consideration of other changes that are needed for federal compliance purposes, DHCF is issuing this emergency and second proposed rulemaking to further amend Section 997 and create a new Section 998 (Medical Alert Devices and Services) to Chapter 9 of Title 29 DCMR.

These emergency and second proposed rules update reimbursement standards for DMEPOS provided under the District of Columbia Medicaid Program State Plan's Home Health benefit, to comply with federal requirements codified at 42 CFR § 440.70. The new Section 998 establishes District Medicaid coverage of a medical alert devices and services benefit. Section 998 describes the scope of items and services covered under the medical alert devices and services benefit, sets forth the eligibility criteria for coverage, and specifies the requirements for providers of this benefit.

In alignment with federal requirements, these emergency and proposed rules clarify that covered DMEPOS may be provided in any setting in which normal life activities take place, other than a hospital, nursing facility, ICF/IID, or any setting in which payment is or could be made under Medicaid for inpatient services that include room and board. Consistent with federal guidance, this emergency and proposed rulemaking removes the current restriction limiting Medicaid DMEPOS coverage to DMEPOS items suitable for use in the home and replaces it with new language that provides that DMEPOS is suitable for use in any non-institutional setting in which normal life activities take place, and clarifies that requests for DMEPOS items may not be denied on the grounds that they are for use outside of the home.

Also in alignment with the federal requirements, these emergency and proposed rules add a face-to-face encounter requirement for Medicaid coverage of DMEPOS, mandating that the face-to-face encounter must be related to the primary reason the beneficiary requires DMEPOS, must occur no more than six (6) months prior to the start of services, and must be documented by the ordering health practitioner.

Of note for providers and beneficiaries, DHCF is proposing changes to administration of the Medicaid program to ensure the accessibility of services to Medicaid beneficiaries if the risk of coronavirus disease (COVID-19) or any other public health emergency in the District requires quarantine of beneficiaries or impedes access to DMEPOS services. In accordance with recent emergency legislation and Mayor's Order 2020-052, DHCF has made changes to DMEPOS service requirements via guidance published in the *D.C. Register* and the DHCF website during the public health emergency prompted by COVID-19, as declared by the Mayor. Pursuant to the Mayor's Order 2020-052, DHCF will implement a number of service delivery, prior authorization, and service eligibility changes for DMEPOS services during the public health emergency.

These rules are also updated to establish Medicaid coverage and reimbursement requirements for providers of medical alert devices and services under the State Plan. Medical alert devices and services are included under the District of Columbia Medicaid Home Health services benefit, to be effective October 1, 2020. Under the new proposed State Plan benefit, medical alert devices and services will include coverage of Personal Emergency Response System (PERS) devices and services, as well as medication management devices and services. DHCF's proposed State Plan coverage of Medical alert devices and services aligns with changes DHCF is proposing to the District's 1915(c) Home and Community Based-Services Waiver for the Elderly and Persons with Physical Disabilities (EPD Waiver), which will also be effective October 1, 2020.

After the initial DMEPOS Notice of Proposed Rulemaking was published in the *D.C. Register*, DHCF received comments on the proposed rulemaking from Disability Rights DC at University Legal Services (DRDC). DHCF carefully considered the comments received, and for the reasons detailed below, concluded that no substantive changes were necessary in response to DRDC's comments. The summary below describes DHCF's response to DRDC's comments and also changes DHCF is making pursuant to federal requirements.

Applicability of Federal Requirements at 42 CFR § 440.70

DRDC asserted that the federal requirements at 42 CFR § 440.70 applied only to services offered under Medicare and therefore did not affect the District's Medicaid program.

DHCF Response: Because 42 CFR § 440.70, which defines the amount, duration and scope of home health services that may be offered under the Medicaid program, is contained within the federal regulations governing Medicaid, these federal requirements apply and must be complied with by State Medicaid agencies. For this reason, DHCF declines to make any changes in response to DRDC's comments.

Coverage of DMEPOS for Residents of Nursing Facilities or ICF/IIDs

DRDC expressed concern that the proposed rules would abolish Medicaid reimbursement of DMEPOS for beneficiaries residing in a nursing facility or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), in conflict with federal requirements and other DHCF regulations. DRDC asserted that DHCF should delete § 997.17(a) in the proposed rule, which excludes coverage of DMEPOS provided under the home health services benefit for beneficiaries residing in a hospital, nursing facility, or ICF/IID.

DHCF Response: DHCF would like to emphasize that DMEPOS for District Medicaid beneficiaries residing in a nursing facility or ICF/IID will continue to be covered. The federal regulation at 42 CFR § 440.70 governs DMEPOS provided under the State Plan Home Health services benefit and the referenced language included in this rulemaking comes directly from the federal regulation. With the exception of those home health services that are not covered by an ICF/IID, as set forth in 42 CFR § 483.460, this federal rule does not affect reimbursement for DMEPOS for beneficiaries residing in a facility-based setting. DHCF is reformatting this rulemaking to simplify its structure. Requirements originally proposed in § 997.17(a) remain but are incorporated into § 997.3.

Applicability of Federal Requirements at 42 CFR § 483.460

DRDC asserted that 42 CFR § 483.460 governs conditions of participation in Medicare and is not relevant to these rules.

DHCF Response: DHCF respectfully disagrees with DRDC's interpretation, as 42 CFR § 483.460 sets forth the healthcare services that an ICF/IID provider must furnish in order to participate in the Medicaid program. Specifically, this set of requirements are part of Subpart I (Conditions of Participation for Intermediate Care Facilities for Individuals with Intellectual Disabilities) or Part 483 (Requirements for States and Long Term Care Facilities). Under this Subpart, the Secretary is interpreting the definition of nursing facilities and ICF/IIDs under Title XIV of the Social Security Act, which governs Medicaid.

As DRDC noted in its comments, reimbursement for DMEPOS provided to beneficiaries residing in a nursing facility or ICF/IID is addressed in separate regulations contained in Chapters 65 and 41 of Title 29 of the DCMR, respectively. These regulations governing reimbursement for DMEPOS provided in a facility-based setting are not affected by the federal requirements at 42 CFR § 440.70 for DMEPOS offered under the State Plan Home Health services benefit. DMEPOS for District Medicaid beneficiaries residing in a nursing facility or ICF/IID will continue to be covered. Supplies and equipment for general use in a facility are not the subject of this rulemaking and are not subject to the requirements set forth in this Chapter.

CMS Guidance Regarding Reimbursement of DMEPOS for Residents of Nursing Facilities or ICF/IIDs

DRDC cited a January 2017 bulletin issued by the Centers for Medicare and Medicaid Services (CMS) on improving access to DMEPOS for individuals dually eligible for Medicare and Medicaid in support of the idea that Medicaid coverage of DMEPOS is broader than Medicare coverage, and that states cannot use the Medicare DMEPOS coverage requirements as a complete proxy for their state Medicaid programs.

DRDC also asserted that that CMS revisions to 42 CFR § 440.70 were issued in part to ensure that DMEPOS provided under the Home Health services benefit could be provided to Medicaid beneficiaries who were not homebound (which is a Medicare requirement for home health services), and could be provided in "any setting in which normal life activities take place" other

than a hospital, nursing facility, ICF/IID or other setting in which Medicaid reimbursement could be made for inpatient services, including room and board. These settings criteria are much broader than under Medicare, which restricts DMEPOS to use in the beneficiary's home. CMS wanted to ensure that state Medicaid programs were furnishing DMEPOS and other Home Health benefits in a wider range of settings than those allowable under Medicare and not simply relying on the Medicare criteria when authorizing these services.

DHCF Response: DHCF agrees with DRDC restatement of CMS purpose in issuing the updating guidance. DHCF is implementing its program in accordance with these updated requirements and not proposing further or more restrictive changes.

Beneficiary Access to Medically Necessary DMEPOS During a Nursing Facility or ICF/IID Stay

DRDC expressed concern that the proposed rules restrict beneficiaries' access to medically necessary DMEPOS during stays in a nursing facility or ICF/IID, severely undermining their rehabilitation and resulting in serious health risks, in conflict with the mandates of the Nursing Home Reform Act at 42 USC 1396r and the District's obligations under *Olmstead v. L.C.*, 527 U.S. 581 (1999), and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 – 12165).

DHCF Response: As noted above, DMEPOS for District Medicaid beneficiaries residing in a nursing facility or ICF/IID will continue to be covered. Supplies and equipment for general use in a facility are not the subject of this rulemaking and are not subject to the requirements set forth in this Chapter. Beneficiaries residing in nursing facilities and ICF/IIDs receive comprehensive services that are provided and reimbursed in accordance with separate Chapters under Title 29 DCMR. DHCF is not proposing further changes at this time.

Availability of DMEPOS Providers

DRDC expressed concern that, as proposed, §§ 997.1 and 997.2 of the proposed rule did not adequately ensure the availability of DMEPOS providers and timely access to DMEPOS for beneficiaries whose providers go out of business. To address this issue, DRDC advocated for the addition of a requirement that a DMEPOS provider must give notice prior to the closure of its business.

DHCF Response: DHCF is committed to maintaining a robust network of providers for services delivered under the State Plan. DHCF regularly reviews provider screening and enrollment requirements to ensure requirements are balanced toward the goal of increasing access. DHCF will continue to monitor the experience of beneficiaries receiving DMEPOS but declines to make additional changes at this time.

Face to Face Requirement

DHCF is also making changes in response to federal requirements. As a result of the expansion of the settings in which Medicaid home health services, including DMEPOS, may be provided, the revisions to 42 CFR § 440.70 also required that health care providers ordering DMEPOS conduct a face-to-face encounter with the beneficiary to ensure that DMEPOS are appropriately

ordered and utilized, like other home health services. To comply with these revisions to the federal regulations governing Medicaid home health services, including DMEPOS, DHCF is incorporating the home health services face-to-face encounter requirement and setting criteria into these DMEPOS rules in §§ 997.3 and 997.4.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District Medicaid beneficiaries eligible for and in need of covered DMEPOS, including medical alert devices and services. These rules are being enacted on an emergency basis to ensure that beneficiaries continue to have access to those items and services most appropriate to their individual care needs, health, and safety.

These emergency and second proposed rules correspond to a related State Plan Amendment (SPA), which requires approval by the Centers for Medicare and Medicaid Services (CMS). Accordingly, Section 998 of this rulemaking shall become effective on October 1, 2020, or on an alternative effective date established by CMS in its approval of the corresponding SPA, whichever is later.

These emergency rules were adopted on October 14, 2020, and shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until February 11, 2021, 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 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 997, DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES, is amended to read as follows:

- 997.1 The Department of Health Care Finance (DHCF), the single state agency for the administration of medical assistance programs authorized under Titles XIX and XXI of the Social Security Act, shall ensure the provision of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) to qualified Medicaid beneficiaries in accordance with the requirements of this section and the D.C. Medicaid DMEPOS Provider Billing Manual. All providers of DMEPOS shall be enrolled as such by DHCF in accordance with Provider Screening and Enrollment regulations and policies and § 996 of Title 29 District of Columbia Municipal Regulations (DCMR).
- 997.2 DHCF shall ensure that each Medicaid beneficiary retains his/her freedom of choice of DMEPOS providers, in accordance with 42 CFR § 431.51.
- 997.3 To be eligible for Medicaid reimbursement of DMEPOS provided to a beneficiary under these rules, the following requirements shall be met:
- (a) The cost of the item shall be reasonable;

- (b) The item shall be ordered by a physician or other licensed practitioner of the healing arts operating within the scope of practice allowed under the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable federal and District laws;
- (c) The ordering practitioner shall be enrolled as a provider in the District Medicaid Program;
- (d) The ordering practitioner and DMEPOS provider shall provide their National Provider Identification (NPI) numbers on the prescription, DMEPOS Request and Prior Authorization Form (Form 719(A)), and claim;
- (e) In accordance with 42 CFR § 440.70, DMEPOS under the home health services benefit shall be provided to a beneficiary at his/her place of residence, or in any setting in which normal life activities take place.
- (f) DMEPOS shall not be provided to a beneficiary in the following settings:
 - (1) A hospital, nursing facility, or ICF/IID (except for DMEPOS in an ICF/IID that is not required to be provided by the facility under 42 CFR Part 483, Subpart I); or
 - (2) Any setting in which payment is or could be made under Medicaid for inpatient services that include room and board; and
- (g) The beneficiary's need for the DMEPOS shall be reviewed annually by a the ordering practitioner operating within the scope of practice as set forth under District law.

997.4

Prior to DHCF making any payment for DMEPOS, the following requirements must be met:

- (a) The ordering practitioner shall ensure that DHCF Form 719(A) Prior Authorization Request and any supporting documentation include, at minimum, descriptions of the following:
 - (1) The beneficiary's condition;
 - (2) The diagnosis related to the need for the DMEPOS item;
 - (3) Any complicating medical conditions;

- (4) The functional abilities and limitations of the beneficiary, using assessments based on the standards described in § 997.8;
 - (5) The anticipated duration of the condition;
 - (6) The physical examination findings; and
 - (7) The potential for rehabilitation, if applicable.
- (b) No more than six (6) months prior to the start of services, a face-to-face encounter with the beneficiary shall be conducted by one of the following practitioners:
- (1) The beneficiary's physician;
 - (2) A nurse practitioner working in collaboration with the beneficiary's physician;
 - (3) A physician assistant acting under the supervision of the beneficiary's physician; or
 - (4) For beneficiaries admitted to home health immediately after an acute or post-acute stay, the attending acute or post-acute physician.
- (c) The ordering physician or allowed non-physician practitioner shall document that there was a face-to-face encounter with the beneficiary in accordance with the following requirements:
- (1) The face-to-face encounter must be related to the primary reason the beneficiary requires DMEPOS and must occur no more than six (6) months prior to the start of services; and
 - (2) The order must indicate the name of the practitioner who conducted the face-to-face encounter and the date of the encounter.

997.5 For a beneficiary up to twenty-one (21) years of age, who is entitled to the early and periodic screening, diagnosis, and treatment (EPSDT) benefit, covered items shall be limited to DMEPOS that are included within the scope of the definition set forth in Section 1905(r) of the Social Security Act (42 USC § 1396d(r)).

997.6 Medicaid reimbursement of DMEPOS shall require prior authorization by DHCF or its designee for the following:

- (a) DMEPOS items that exceed specific criteria and/or require prior authorization, as set forth in the D.C. Medicaid Provider Billing Manual and D.C. Medicaid Fee Schedule, available online at www.dc-medicaid.com;

- (b) DMEPOS items that are billed using miscellaneous codes or that require manual pricing;
- (c) Items of durable medical equipment (DME) that exceed five-hundred dollars (\$500) in purchase price, unless exempted from the requirement as indicated on the fee schedule;
- (d) Customized equipment; and
- (e) DME, prosthetics, and orthotics, outside of the warranty period, that require repair or replacement.

997.7 For items that require prior authorization in order to be reimbursed by Medicaid, as set forth in § 997.6, the following tasks shall be completed:

- (a) The prescribing clinician, as identified on the prescription provided in accordance with § 997.3(b), shall complete the clinical portion of DHCF Form 719(A) and provide the form to the DMEPOS provider for completion;
- (b) The DMEPOS provider shall present the completed Form 719(A), including the corresponding prescription, to DHCF or its designee for approval; and
- (c) The DMEPOS provider shall collect and submit supporting documentation and invoices to DHCF or its designee for review and approval.

997.8 DHCF or its designee shall use national standards, such as InterQual or other nationally recognized assessment tools, to assess the reasonableness and necessity of all DMEPOS items that require prior authorization.

997.9 A provider shall not receive Medicaid reimbursement for a DMEPOS item requiring prior authorization under § 997.6, if the item is delivered before DHCF or its designee has issued a prior authorization.

997.10 To receive Medicaid reimbursement for DMEPOS, a qualified physician or other practitioner of the healing arts, operating within the scope of practice outlined in the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, shall review a beneficiary's continued need for any DMEPOS item as appropriate based on the beneficiary's condition, but on at least an annual basis, subject to the following exception:

- (a) DHCF shall not require a review of a beneficiary's continued need for DMEPOS in the case of a child with respect to either prescribed oxygen or oxygen equipment or both.

- 997.11 Information set forth in the D.C. Medicaid DMEPOS Provider Billing Manual shall govern specific criteria regarding Medicaid reimbursement for the following categories of DMEPOS:
- (a) Mobility assistive equipment; and
 - (b) Oxygen and oxygen equipment.
- 997.12 Where a previously approved prior authorization period has expired, a DMEPOS provider shall not provide to a beneficiary any new item for which prior authorization is required, as set forth in § 997.6, until DHCF or its designee has issued a new prior authorization number for the new period. If a prior authorization has previously been issued for an item to a different DMEPOS provider, the current DMEPOS provider shall include a reference to the original prior authorization number on the Form 719(A) submitted to DHCF or its designee for approval.
- 997.13 Medicaid reimbursement of DMEPOS shall be subject to the following standards:
- (a) DHCF shall establish maximum reimbursement rates for items included under the DMEPOS benefit and shall set forth these rates in the D.C. Medicaid Fee Schedule, available online at www.dc-medicaid.com;
 - (b) All rates for DMEPOS shall be subject to a pricing analysis by DHCF or its designee. The pricing analysis may consider the following:
 - (1) Beneficiary's condition;
 - (2) Brand comparison;
 - (3) Anticipated duration of beneficiary's need for the item;
 - (4) Warranty coverage and conditions;
 - (5) Medicare local coverage and pricing determinations;
 - (6) Pricing under other jurisdictions' Medicaid programs;
 - (7) Usual and customary pricing; or
 - (8) Discounts;
 - (c) For any DMEPOS item that is determined to be covered under the District Medicaid program, but is not included on the D.C. Medicaid Fee Schedule, DHCF shall price the item using the process described in § 997.13(b);

- (d) For a beneficiary enrolled in both Medicare and Medicaid, a DMEPOS provider shall first bill the Medicare program when providing any item to the beneficiary. If Medicare denies the claim, the provider may then submit the remittance advice along with the claim to DHCF or its designee. A DMEPOS provider shall not bill a dual eligible beneficiary for any amount not paid by Medicare. Failure to adhere to these requirements may subject the DMEPOS provider to termination of its Medicaid Provider Agreement;
- (e) If a prescribing clinician or DMEPOS provider receives a discount for an item ordered for use by a Medicaid beneficiary, the prescribing clinician and/or DMEPOS provider shall subtract the amount of the discount from the amount for which reimbursement is sought prior to submitting the claim to DHCF. Failure to comply with the requirements of this paragraph may result in denied claims, temporary suspension of payments, or termination of the Medicaid Provider Agreement;
- (f) A DMEPOS provider shall provide original documentation reflecting all discounts that apply to the cost of any item provided to a Medicaid beneficiary;
- (g) A DMEPOS provider shall produce proof of delivery for all items that are provided to a Medicaid beneficiary, which may include:
 - (1) Receipts that are signed by the beneficiary who requires DMEPOS, or his or her legal representative; or
 - (2) Delivery confirmation; and
- (h) Except for items deemed necessary under the EPSDT benefit, the following shall not be covered under the DMEPOS benefit:
 - (1) Replacement of an item while it is still under warranty or before the item meets the associated life expectancy, unless prior authorization is obtained;
 - (2) Ventilators;
 - (3) Acquisition, maintenance, or repair of DME, prosthetic, and orthotic items that do not require prior authorization or are for general use in an institutional provider facility where a beneficiary resides;
 - (4) Consumable medical supplies for general or non-beneficiary specific use in an intermediate care facility for individuals with intellectual disabilities (ICF/IID);

- (5) Items solely for comfort and convenience of the beneficiary or his/her caregivers, such as air conditioners;
- (6) Home or vehicle modifications covered under waiver programs operating pursuant to Section 1915(c) of the Social Security Act;
- (7) Rehabilitative equipment, for beneficiaries age twenty-two (22) and older, if designed to bring a beneficiary into an upright position to stimulate vestibular function or balance; and
- (8) Supplies and other DME items used by personnel of a home health agency during the course of a home visit.

997.14 To be eligible for Medicaid reimbursement, the delivery of DME is subject to the following requirements:

- (a) DME consists of equipment that:
 - (1) Can withstand repeated use;
 - (2) Is primarily and customarily used to serve a medical purpose;
 - (3) Is generally not useful to a beneficiary in the absence of a disability, illness, or injury;
 - (4) Is appropriate for use in any setting in which normal life activities take place, as defined at 42 CFR § 440.70(c)(1); and
 - (5) Is expected to have a useful life of at least three (3) years;
- (b) For a beneficiary age zero (0) through twenty-one (21), DME shall also include equipment used in natural environments;
- (c) For purposes of this section, for a beneficiary age twenty-two (22) and older, the home shall also include an assisted living center, home for the aged, or other senior living facility;
- (d) DME shall be rented if the beneficiary's medical condition is anticipated to last six (6) months or less. Rental rates shall include costs of maintenance and servicing rented items. Except for fees associated with maintaining and servicing oxygen equipment, DHCF shall not reimburse for maintenance and servicing of a rented item. Any provider of rental DME seeking Medicaid reimbursement shall adhere to the following:
 - (1) Maintain and repair any DME item being rented to a Medicaid beneficiary;

- (2) Accept returns of substandard or unsuitable items; and
 - (3) Provide to the beneficiary a replacement item that meets the specifications of the originally prescribed item and in such a manner as to minimize the burden on the beneficiary;
- (e) The total reimbursement available for DME obtained through rental shall not exceed the purchase price of the item. At the time when rental payments equal the purchase price of the item, the item shall be considered purchased and shall become the property of the beneficiary;
- (f) DME shall be purchased only under the following circumstances:
- (1) If the beneficiary's medical condition is anticipated to last more than six (6) months and the equipment does not require frequent servicing or repair; or
 - (2) If the beneficiary's medical condition requires customized equipment;
- (g) DME that is purchased shall become the property of the beneficiary for whom it was prescribed;
- (h) In accordance with § 997.6(e), DHCF or its designee, shall prior authorize any repairs to purchased equipment. A DME provider shall be required to submit to DHCF or its designee a copy of the warranty for the item needing repair within thirty (30) days of the date of the request for repair;
- (i) When DME is purchased for use by a beneficiary, and is under warranty, the DME provider shall be required to pay reasonable charges for maintenance and servicing of the item;
- (j) A DME provider shall first seek to have a covered item maintained, serviced, or repaired by the manufacturer in accordance with the warranty;
- (k) DHCF shall reimburse a DME provider for charges related to parts and labor that are not otherwise covered under a manufacturer or supplier warranty;
- (l) When a beneficiary's DME item is undergoing repair, a DME provider may receive reimbursement for a substitute DME item if prior authorized by DHCF or its designee. Prior authorization of a substitute DME item is subject to the following conditions:
- (1) The substitute DME item must be reasonable and necessary;

- (2) The frequency of use, or the number of units requested, of the substitute DME item must be consistent with code definitions;
 - (3) The total cost to rent the substitute DME item must not exceed the purchase price; and
 - (4) The substitute DME item shall be prior authorized for a period not to exceed two (2) months, except that a substitute DME item provided during repair of customized equipment shall be prior authorized for a period not to exceed six (6) months;
- (m) A DME provider/supplier responsible for maintaining, servicing, or repairing a customized item that requires repair or replacement shall perform the following:
- (1) Obtain an estimated repair time from the manufacturer and provide the information to the Medicaid beneficiary and his/her caregivers; and
 - (2) Provide the beneficiary a substitute DME item with specifications that are as similar to the customized item as possible, if needed or requested, in accordance with prior authorization requirements;
- (n) A DME provider of a substitute DME item shall not continue to bill DHCF for the substitute DME item once the beneficiary receives the repaired or replacement DME item;
- (o) Prior to or at the time of delivery of DME, the DME provider shall perform an on-site evaluation of the beneficiary's home, if applicable, in order to verify that the beneficiary can adequately maneuver the item that is provided considering the physical layout, doorway widths and thresholds, and surfaces. There shall be a written report of this evaluation, and the provider shall make it available upon DHCF's request. Documentation required under this section shall also be subject to the record keeping requirements of 29 DCMR § 996.9;
- (p) A prescribing clinician shall describe the clinical appropriateness of oxygen therapy by completing CMS Form 484 and submitting to DHCF, or its designee, along with any other required documentation. A beneficiary shall be eligible for oxygen therapy, including portable oxygen therapy, if his or her condition is supported by documentation of diagnosis and laboratory results reflecting any of the following conditions:

- (1) Severe lung disease, including but not limited to chronic obstructive pulmonary disease, diffuse interstitial lung disease, cystic fibrosis, bronchiectasis, and widespread pulmonary neoplasm; or
 - (2) Hypoxia-related symptoms or findings that might be expected to improve with oxygen therapy, including but not limited to pulmonary hypertension, recurring congestive heart failure due to chronic cor pulmonale, erythrocytosis, impairment of the cognitive process, nocturnal restlessness, and morning headache;
- (q) Oxygen therapy shall be subject to the following:
- (1) An authorization for oxygen therapy shall be valid for twelve (12) months for adult beneficiaries age twenty-two (22) and older, and six (6) months for children age zero (0) through twenty-one (21); and
 - (2) A prescriber of oxygen therapy shall be required to see a beneficiary in-person within a thirty (30) day period prior to the start of therapy in order to certify the need for the items/services;
- (r) Oxygen therapy shall not be covered for the following conditions:
- (1) Angina pectoris in the absence of hypoxemia;
 - (2) Breathlessness without cor pulmonale or evidence of hypoxemia;
 - (3) Severe peripheral vascular disease resulting in clinically evident denaturation in one or more extremities;
 - (4) Terminal illnesses that do not affect the lungs;
 - (5) Treatment of headache, including migraine; and
 - (6) Treatment of other health care conditions in which oxygen therapy is determined to be experimental or investigational; and
- (s) Diabetic testing meters shall be limited to those preferred items authorized pursuant to the D.C. Medicaid Diabetic Supplies program.

997.15

The delivery of prosthetics and orthotics shall be subject to the following requirements:

- (a) Covered prosthetics and orthotics include the following:

- (1) Devices that can replace all or part of an internal body organ, including ostomy bags and supplies directly related to ostomy care, as described in § 997.15(b);
 - (2) Breast prostheses, including the surgical brassiere;
 - (3) Leg, arm, back, and neck braces;
 - (4) Artificial legs, arms, including stump cover or harness, where necessary;
 - (5) One pair of conventional eyeglasses or contact lenses furnished subsequent to cataract surgery that included insertion of an intraocular lens;
 - (6) Artificial eyes; and
 - (7) Therapeutic shoes, diabetic shoe inserts, splints, and supports.
- (b) Coverage of prosthetic and orthotic devices includes replacements that are required based on a change in a beneficiary's physical condition or the consumable nature of the item (e.g., ostomy supplies).
- (c) Replacement of prosthetic and orthotic devices shall be covered only when prescribed by a clinician meeting the requirements of § 997.3(b).
- (d) Covered prosthetic and orthotic devices shall not include the following items:
- (1) Intraocular lenses;
 - (2) Supplies and equipment related to ostomy care that is furnished by home health agency personnel during the course of a home visit; and
 - (3) Dental prostheses.

997.16 The delivery of supplies shall be subject to the following requirements:

- (a) Covered supplies consist of health care related items that:
- (1) Are required to address a specific medical disability, illness, or injury, and;
 - (2) Are appropriate for use in any setting in which normal life activities take place, as defined at 42 CFR § 440.70(c)(1);

- (b) Supplies include, but are not limited to:
 - (1) Lancets;
 - (2) Gloves;
 - (3) Bandages;
 - (4) Enteral products; and
 - (5) Incontinence supplies.

A new Section 998, MEDICAL ALERT DEVICES AND SERVICES, is added to Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, as follows:

Section 998 MEDICAL ALERT DEVICES AND SERVICES

- 998.1 Medical alert devices and services include equipment, systems, and services which enable an individual to secure help in the event of an emergency or are used to provide an individual with reminders of medication or treatment schedules.
- 998.2 Medical alert devices and services are subject to the relevant authorization, delivery, and service requirements for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) set forth in 29 DCMR § 997, except as otherwise set forth in this section.
- 998.3 Providers of medical alert devices and services shall be enrolled in the District Medicaid program in accordance with the Provider Screening and Enrollment requirements described at 29 DCMR § 9400, except that such providers shall not be required to furnish Medicare-covered items or submit evidence of enrollment in the Medicare program.
- 998.4 Providers of medical alert devices and services shall comply with the requirements for DMEPOS set forth at 29 DCMR § 996, subject to the following exceptions:
 - (a) A provider of medical alert devices and services is not required to furnish Medicare-covered items; and
 - (b) A provider of medical alert devices and services is not required to submit any evidence of enrollment in the Medicare program.
- 998.5 Providers enrolling as medical alert devices and services providers shall be required to demonstrate capacity to provide PERS services in accordance with the requirements set forth in § 998.7 as a condition of Medicaid enrollment.

998.6 Medicaid coverage of medical alert devices and services include, but are not limited to, the following:

- (a) PERS; and
- (b) Medication management devices.

998.7 PERS shall be provided in accordance with the following requirements:

- (a) PERS is an electronic system that summons assistance for a beneficiary from a friend, relative, or an emergency services provider (police, fire department, or ambulance) and shall be available twenty-four (24) hours a day, seven (7) days a week.
- (b) Each PERS system shall be comprised of the following two (2) basic elements:
 - (1) Equipment accessed or used by the beneficiary, including but not limited to a portable help button, motion detector; and
 - (2) A response center or responder to monitor the notifications.
- (c) The PERS service shall be comprised of two (2) processes:
 - (1) Installation of the service unit; and
 - (2) On-going monitoring of the system;
- (d) The units of service shall be as follows:
 - (1) One (1) unit per year for installation and testing of the PERS system; and
 - (2) Twelve (12) units per year for monthly rental, maintenance, and service fee;
- (e) Each PERS provider shall:
 - (1) Provide in-home installation of all equipment necessary to make the service fully operational (including batteries);
 - (2) Provide beneficiary and representative instruction on usage, maintenance, and emergency protocol of the PERS;
 - (3) Provide equipment maintenance (both in-home and response center);

- (4) Provide response center monitoring and support, staffed by trained attendants, twenty-four (24) hours per day, seven (7) days per week;
- (5) Conduct equipment testing, monitoring, and maintenance (both in-home and response center equipment);
- (6) Conduct monthly service checks;
- (7) Provide documentation of all services provided, beneficiary contacts, equipment and system checks, and equipment servicing;
- (8) Make available emergency equipment repairs to the beneficiary on a twenty-four (24) hours per day, seven (7) days per week basis;
- (9) Ensure that the beneficiary has functioning equipment within twenty-four (24) hours of notification of malfunction of the equipment;
- (10) Allow the beneficiary to designate responder(s) who will respond to emergency calls. Responders may be relatives, friends, neighbors, or medical personnel; and
- (11) Provide DHCF and beneficiary’s direct care providers with reports in accordance with the manner and schedule determined by DHCF; and

(f) Each PERS provider shall ensure that contractors are properly supervised and that the service provided is consistent with the beneficiary's person-centered service plan and plan of care.

998.8 Medicaid coverage of PERS shall be limited to beneficiaries who meet at least one of the following criteria:

- (a) Live alone; or
- (b) Are alone for significant parts of the day.

998.9 Medicaid coverage of PERS shall be available for beneficiaries who are able to understand and demonstrate proper use of the system, based on the information provided by the LTCSS assessment.

998.10 Medication management devices shall include locked medication storage dispensers and systems that meet the following criteria:

- (a) Can be programmed to automatically dispense medications at predetermined times;
- (b) Include a reminder system to notify beneficiary when medication is to be taken, via audible alarms, lights, text messages, or voice messages;
- (c) Consist of a system designed to store a beneficiary's prescribed medications in a delivery unit, to permit a health care professional to remotely schedule the beneficiary's prescribed medications, to notify the beneficiary when the prescribed medications are due to be taken, to release the prescribed medications to a tray of the delivery unit accessible to the beneficiary on the beneficiary's command, and to record a history of the event for the health care professional;
- (d) Include a remote medication management system composed of one or more of the following: clinical and communications software, a medication delivery unit, and/or medication packaging; and
- (e) Provide equipment and supplies used in the administration or monitoring of medication prescribed or ordered for a beneficiary by a qualified District Medicaid provider.

998.11 Medicaid coverage for medication management devices shall be limited to beneficiaries who:

- (a) Have one or more prescriptions for medication to be taken on an ongoing basis;
- (b) Require assistance with the management or administration of their prescribed medication(s);
- (c) Have sufficient physical and cognitive ability to take the medications at the prescribed time once dispensed from the device; and
- (d) Are not receiving the necessary medication management assistance from a Personal Care Aide, Adult Day Health Program, informal caregiver, or other in-person service provider.

998.12 Effective October 1, 2020, medical alert devices and service providers shall be reimbursed in accordance with the District of Columbia Medicaid Fee Schedule available online at www.dc-medicaid.com.

998.13 All future updates to the reimbursement rates for medical alert devices and 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 and provide notice and an opportunity for meaningful comment.

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 NW, Suite 900, Washington, DC 20001, via telephone at (202) 442-8742, or 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.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF THIRD 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 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, on an emergency basis, of a new Chapter 86 (Behavioral Health Transformation Demonstration Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This third emergency and proposed rulemaking sets forth requirements governing beneficiary eligibility, provider participation, and Medicaid fee-for-service reimbursement for behavioral health services authorized under the Medicaid Section 1115 Behavioral Health Transformation Demonstration program (demonstration program). Services and program changes authorized under the demonstration program will be phased in during the first demonstration year. This third emergency and proposed rulemaking retains requirements for services and programs that were implemented beginning January 2020 through June 2020, while also adding requirements for a new Transition Planning service set to begin September 2020. This rulemaking also corresponds to changes to the District's local authority to oversee behavioral health services being proposed by the Department of Behavioral Health under Title 22-A DCMR.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 29, 2019, at 66 DCR 015883. The public comment period closed on December 30, 2019. The District received comments from the DC Behavioral Health Association and AmeriHealth Caritas. The District carefully considered all comments received and made technical and substantive changes in response. A Second Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 08, 2020, at 67 DCR 004918. The District received no comments, but is making substantive changes to two (2) sections to implement new transition planning service authority: (1) Section 8612 is being amended to establish a service definition, beneficiary eligibility criteria, and reimbursement requirements for transition planning services; and (2) Section 8699 is being amended to define transition planning services.

Transition planning services are the final service approved under the demonstration program to be incorporated into this rulemaking. Transition planning services are for beneficiaries stepping down from an inpatient hospital or residential Substance Use Disorder treatment setting. Transition planning service providers will identify needed treatment and support services that support beneficiary recovery, reduce the chances of avoidable hospital or residential treatment readmissions, and connect beneficiaries to identified treatment and support services.

Finally, this rulemaking proposes to amend Section 8608 to clarify the District's authority to interpret provider requirements for institutions for mental disease (IMDs) established in the Special Terms and Conditions governing the demonstration program through guidance or transmittals published to the DHCF website at www.dhcf.dc.gov. As amended, Subsection

8608.24 clarifies that the Special Terms and Conditions, as well as the corresponding implementation plans, governing the demonstration program set forth milestones and goals that both the District and IMD providers must meet. In order to ensure IMDs are meeting program requirements and the demonstration program is able to meet its goals, the proposed rule also amends Subsection 8608.24 to clarify that the District may also interpret these requirements though guidance or transmittals published to the DHCF website.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District residents. This demonstration program was conceived, in large part, as a response to the crisis unfolding in the District relating to opioid use and abuse. DHCF and the Department of Behavioral Health expect implementation of the proposed changes to improve the quality of health outcomes for individuals diagnosed with serious mental illness/serious emotional disturbance and increase access to potentially life-saving treatment for individuals diagnosed with SUD.

This emergency rulemaking was adopted on October 14, 2020, and shall become effective on the date of publication of this notice in the *D.C. Register*. The emergency rules will remain in effect for one hundred and twenty (120) days from the adoption date, or until February 11, 2021, 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 this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**CHAPTER 86 BEHAVIORAL HEALTH TRANSFORMATION
 DEMONSTRATION PROGRAM**

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8699 DEFINITIONS

8600 GENERAL PROVISIONS

8600.1 The purpose of this chapter is to establish standards governing the administration of the Medicaid Section 1115 Behavioral Health Transformation Demonstration Program (demonstration program) as authorized by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) under Section 1115 of the Social Security Act (SSA).

8600.2 Services and requirements set forth in this chapter shall be effective January 1, 2020 through December 31, 2024, in accordance with the Special Terms and Conditions (STCs), as set forth by CMS, in its approval of the demonstration program. The STCs are available on the Department of Health Care Finance's (DHCF) website at <https://dhcf.dc.gov/1115-waiver-initiative>.

8600.3 Except for services identified in § 8608, expenditure authority under this demonstration program will expire on December 31, 2021.

8600.4 Medicaid services authorized under this chapter are subject to evaluation and monitoring requirements consistent with the STCs interpreted by DHCF via guidance published to the DHCF website at www.dhcf.dc.gov.

8600.5 The demonstration program may be terminated by CMS, or withdrawn, extended, or amended by DHCF in accordance with the requirements set forth in the approved STCs.

8600.6 DHCF shall publish and maintain provider guidance that supports implementation of the demonstration program on the DHCF website at www.dhcf.dc.gov.

8601 ELIGIBILITY REQUIREMENTS

8601.1 The demonstration program does not amend or change District of Columbia Medicaid eligibility requirements, standards, or methodologies set forth under the District of Columbia Medicaid State Plan and applicable regulations under Title 29 of the District of Columbia Municipal Regulation (DCMR) .

8601.2 Services outlined in this chapter shall be available to individuals enrolled in District of Columbia Medicaid Program to the extent that the individual meets the criteria established for the service in this chapter.

8602 REIMBURSEMENT

- 8602.1 In order to receive Medicaid reimbursement, each demonstration program services provider shall enter into a provider agreement with DHCF and comply with the screening and enrollment requirements set forth in Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 DCMR.
- 8602.2 Effective January 1, 2020, reimbursement for services set forth in this chapter shall be made according to the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com. All future updates to Medicaid reimbursement rates for demonstration program services shall comply with the public notice and comment requirements set forth under Section 988 of Chapter 9 of Title 29 DCMR and be posted to the DHCF website at www.dhcf.dc.gov.
- 8602.3 A public notice of demonstration program rate changes shall be published in the D.C. Register at least thirty (30) calendar days in advance of any changes and shall include a link to the Medicaid fee schedule and shall provide a opportunity for public comment.
- 8602.4 For services outlined in this chapter, the Department of Behavioral Health (DBH) shall be responsible for payment of the non-federal share of total expenditures in accordance with the terms and conditions set forth in the Memoranda of Understanding between DHCF and DBH.

8603 PROGRAM SERVICES: PSYCHOSOCIAL REHABILITATION (CLUBHOUSE)

- 8603.1 Psychosocial rehabilitation (also known as “Clubhouse”) services are behavioral, cognitive, or supportive interventions that assist individuals with the development of social networking, independent living, budgeting, self-care, and other skills to enable independent living and ongoing employment. Services under this section shall become effective January 1, 2020.
- 8603.2 Medicaid beneficiaries, at least eighteen (18) years of age, who meet the requirements set forth in Chapter 34 and Chapter 39 of Title 22-A DCMR are considered individuals eligible to receive psychosocial rehabilitation services.
- 8603.3 Psychosocial rehabilitation services shall be delivered in accordance with the requirements set forth in Chapters 34 and 39 of Title 22-A DCMR.
- 8603.4 Psychosocial rehabilitation service providers shall be certified in accordance with the requirements set forth in Chapters 34 and 39 of Title 22-A DCMR.

8604 PROGRAM SERVICES: TRAUMA RECOVERY AND EMPOWERMENT MODEL

- 8604.1 The Trauma Recovery and Empowerment Model (TREM) is a structured group therapy intervention for individuals who have survived trauma and have substance use disorders or mental health conditions.
- 8604.2 Effective March 1, 2020, Medicaid beneficiaries who meet requirements set forth in Chapter 34 or Chapter 63 of Title 22-A DCMR shall be eligible to receive TREM services.
- 8604.3 Medicaid reimbursable TREM services shall include therapy sessions focused on:
- (a) Empowerment, self-comfort, and accurate self-monitoring, as well as ways to establish safe physical and emotional boundaries;
 - (b) The trauma experience and its consequences; and
 - (c) Skills building, including emphases on communication style, decision-making, regulating overwhelming feelings, and establishing safer, more reciprocal relationships.
- 8604.4 TREM services shall be furnished by a TREM provider certified in accordance with the requirements set forth in Chapter 34 or Chapter 63 of Title 22-A DCMR. TREM provider staff must complete DBH-approved TREM training.

8605 PROGRAM SERVICES: TRAUMA SYSTEMS THERAPY

- 8605.1 Trauma Systems Therapy (TST) is a comprehensive, phase-based treatment program for children and adolescents, aged six (6) to eighteen (18), who have experienced traumatic events or who live in environments with ongoing stress or traumatic reminders.
- 8605.2 Effective March 1, 2020, Medicaid reimbursable TST services shall include:
- (a) Psychotherapy;
 - (b) Home or community-based stabilization;
 - (c) Emotion regulation skills training; and
 - (d) Consultation with the psychopharmacologic treatment team.
- 8605.3 Children and adolescents who meet the requirements set forth in Chapter 34 of Title 22-A DCMR shall be eligible to receive Trauma Systems Therapy (TST) services, as provided under the Demonstration Program.

8605.4 TST services shall be furnished by providers that have been certified by DBH in accordance with requirements set forth in Chapter 34 of Title 22-A DCMR. TST provider staff must complete DBH-approved TST training.

8606 PROGRAM SERVICES: RECOVERY SUPPORT SERVICES

8606.1 Recovery support services are non-clinical services and supports designed to support and maintain ongoing recovery from a substance use disorder (SUD). Services under this section shall become effective January 1, 2020.

8606.2 Medicaid reimbursable recovery support services shall include services set forth under Chapter 63 of Title 22-A DCMR.

8606.3 Medicaid beneficiaries eligible to receive recovery support services shall meet criteria set forth in Chapter 63 of Title 22-A DCMR.

8606.4 Recovery support services shall be furnished by Medicaid-enrolled providers certified as recovery support service providers in accordance with Chapter 63 of Title 22-A DCMR.

8606.5 Recovery support provider qualified staff include:

- (a) Certified recovery coaches;
- (b) Certified peer specialists; and
- (c) Other qualified providers authorized under Chapter 63 of Title 22-A DCMR.

8607 PROGRAM SERVICES: SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS

8607.1 Supported employment is an evidence-based practice that:

- (a) Provides ongoing work-based vocational assessment, job development, job coaching, treatment team coordination, and vocational and therapeutic follow-along supports;
- (b) Involves community-based employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer;
- (c) Provides services at various work sites; and
- (d) Provides part-time and full-time job options that: are diverse, competitive, and integrated with co-workers without disabilities; are based in business or employment settings that have permanent status rather than temporary

or time-limited status; and which pay at least minimum wage of the jurisdiction in which the job is located.

8607.2 Effective February 1, 2020, Medicaid reimbursable vocational supported employment services shall include the following, as defined in Chapter 37 of Title 22-A DCMR:

- (a) Intake;
- (b) Vocational Assessment;
- (c) Individualized Work Plan Development;
- (d) Treatment Team Coordination;
- (e) Disclosure Counseling;
- (f) Job Development;
- (g) Job Coaching; and
- (h) Vocational Follow-Along Supports for the beneficiary and employer.

8607.3 In accordance with the eligibility requirements set forth in Chapter 37 of Title 22-A of the DCMR, individuals eligible for vocational supported employment services shall:

- (a) Be a Medicaid beneficiary at least eighteen (18) years of age;
- (b) Indicate an interest in employment;
- (c) Have supported employment identified as a needed service on a current, person-centered plan of care that has been reviewed by DBH;
- (d) Not be concurrently receiving Assertive Community Treatment (ACT) services, as defined in Chapter 34 of Title 22-A of the DCMR; and
- (e) Be determined by DBH as meeting the needs-based criteria set forth in Chapter 37 of Title 22-A DCMR.

8607.4 Individuals shall be assessed for supported employment services by an entity designated by DBH.

8607.5 The designated assessment entity shall conduct the needs-based assessment in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR and shall conduct a reassessment at least every one hundred and eighty (180) days or upon significant change in the beneficiary's condition.

- 8607.6 The designated assessment entity shall also be responsible for developing the person-centered plan of care, as identified in § 8607.3(c), in accordance with federal regulations under 42 CFR § 441.725 and requirements set forth in Chapter 37 of Title 22-A of the DCMR.
- 8607.7 The person-centered plan of care must be reviewed and revised by the designated assessment entity in accordance with the requirements set forth in Chapter 37 of Title 22-A of the DCMR.
- 8607.8 The designated assessment entity shall also assist the Medicaid beneficiary in identification and selection of a supported employment provider.
- 8607.9 The assessment and the person-centered plan of care shall be reviewed by DBH, consistent with the requirements set forth in Chapter 37 of Title 22-A of the DCMR prior to initiation of supported employment services.
- 8607.10 Following review and approval of the assessment information and person-centered plan of care, DBH shall issue an authorization for the initiation of supported employment services by the beneficiary-selected supported employment provider, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.11 The designated assessment entity shall inform the beneficiary of his or her eligibility for supported employment services.
- 8607.12 Supported employment providers shall be certified in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.13 A supported employment provider shall develop an Individualized Work Plan for each Medicaid beneficiary receiving supported employment services, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8607.14 Medicaid reimbursement shall not be made available for supported employment services provided to a Medicaid beneficiary residing in an institutional setting or any setting that is not in compliance with the Home and Community-Based Services (HCBS) setting requirements consistent with 42 CFR § 441.301.

8608 PROGRAM SERVICES: SERVICES PROVIDED IN INSTITUTIONS FOR MENTAL DISEASE FOR MEDICAID BENEFICIARIES AGED 21-64

- 8608.1 Medicaid reimbursable treatment provided in inpatient or residential treatment settings that qualify as institutions for mental disease (IMD) shall include services which are:
- (a) Medically necessary to diagnose, treat, or stabilize the underlying illness, condition, or disease;

- (b) Identified within and provided in accordance with an individualized plan of care; and
 - (c) Authorized under the District of Columbia Medicaid State Plan or a waiver thereof.

- 8608.2 Medicaid beneficiaries are eligible for services provided within an IMD under the demonstration program, if they meet the following criteria:
 - (a) Are aged twenty-one (21) to sixty-four (64); and
 - (b) Require short-term inpatient or residential treatment to resolve or ameliorate the symptoms associated with the acute phase of a behavioral health crisis or symptoms associated with SMI or SUD, as determined by a qualified practitioner practicing in accordance with licensure requirements, as set forth 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 *et seq.*) and its implementing regulations.

- 8608.3 The individualized plan of care, identified in § 8608.1(b) shall be developed by a multi-disciplinary team of practitioners following diagnosis of the beneficiary's underlying condition and comprehensive assessment of the beneficiary's treatment needs.

- 8608.4 District SUD residential providers shall comply with plan of care requirements set forth in Chapter 63 of Title 22-A DCMR.

- 8608.5 District inpatient and residential behavioral health service providers shall be licensed or certified in accordance with 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 *et seq.*) or otherwise applicable licensure or certification requirements as set forth under District law.

- 8608.6 District SUD residential treatment providers shall be certified in accordance with requirements set forth under Chapter 63 of Title 22-A DCMR.

- 8608.7 Eligible providers must meet the definition of an institution for mental disease as set forth at 42 CFR § 435.1010 and interpreted by DHCF via guidance on its website at www.dhcf.dc.gov.

- 8608.8 Inpatient mental health and SUD treatment shall be delivered by a facility that meets the conditions of participation set forth in 42 CFR § 482 and be either:
 - (a) A licensed or certified facility that meets the conditions of participation; or

- (b) Accredited by nationally recognized accreditation entity by a national accrediting organization whose psychiatric hospital accreditation program or acute hospital accreditation program has been approved by CMS.
- 8608.9 Residential SUD treatment providers shall deliver care consistent with American Society of Addiction Medicine criteria or other nationally recognized, SUD-specific program standards for residential treatment facilities. Residential SUD treatment delivered by a District certified facility shall be provided in accordance with requirements set forth under Chapter 63 of Title 22-A DCMR.
- 8608.10 Residential mental health treatment shall be delivered by a facility that, as assessed by the District or a nationally recognized accreditation organization, delivers care consistent with nationally recognized, mental health-specific program standards for residential treatment facilities.
- 8608.11 To be eligible for Medicaid reimbursement, inpatient and residential SUD treatment providers must provide Medication Assisted Treatment (MAT) services directly or facilitate the provision of MAT services by ensuring transportation for beneficiaries to obtain medications at a MAT providing and participating in the coordination of care in conjunction with MAT providers.
- 8608.12 Effective January 1, 2020, Medicaid reimbursement for services provided in an IMD located in the District of Columbia shall be made according to the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/home>.
- 8608.13 DHCF shall reimburse IMD providers located outside the District of Columbia at the rate established by the Medicaid State Agency where the IMD is located.
- 8608.14 For Medicaid beneficiaries enrolled in a District Medicaid Managed Care Plan, DHCF shall only provide fee-for-service reimbursement to eligible providers for IMD stays that exceed the stays reimbursed by the Medicaid Managed Care Plan, pursuant to “in lieu of” requirements set forth under 42 CFR § 438 and interpreted by DHCF in guidance on its website at www.dhcf.dc.gov.
- 8608.15 DHCF will provide services for a targeted statewide average length of stay of thirty (30) days in inpatient and residential treatment settings.
- 8608.16 IMD stays for the treatment of SMI that exceed sixty (60) days are not Medicaid reimbursable.
- 8608.17 Medicaid fee-for-service reimbursement for IMD stays shall be authorized by DHCF or its designee. DHCF or its designee shall provide oversight of total length of stay by conducting concurrent utilization reviews.
- 8608.18 Inpatient SUD and SMI treatment services shall be reimbursed in accordance with the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/home>. Information to assist providers

billing Medicaid for these services is available on the DHCF website at dhcf.dc.gov.

8608.19 Residential SUD services shall be shall be reimbursed in accordance with the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/home>. Information to assist providers billing Medicaid for these services is available on the DHCF website at dhcf.dc.gov.

8608.20 Reimbursement under this section is available for acute inpatient or residential treatment provided in settings that qualify as IMDs. Medicaid reimbursement for long-term residential or long-term inpatient treatment is not available under this section.

8608.21 Effective July 1, 2020, IMD providers are required, as a condition of reimbursement for services authorized under this chapter, to participate through a formal agreement with a registered HIE entity of the DC Health Information Exchange (DC HIE), defined in Chapter 87 of Title 29 DCMR. Once they become a participating provider, IMD providers must also participate in a reporting process via the DC HIE throughout the demonstration period. DHCF shall publish guidance interpreting these requirements on the DHCF website at www.dhcf.dc.gov.

8608.22 Medicaid reimbursement for services provided in general hospitals, intermediate care facilities, nursing facilities, or skilled nursing facilities is not governed or authorized under this section.

8608.23 Medicaid reimbursement is not available for services provided to beneficiaries who are involuntarily residing in an inpatient or residential treatment facility by operation of criminal law.

8608.24 IMD providers must meet provider requirements, goals, and milestones established in the STCs and the corresponding implementation plans governing the demonstration program. DHCF shall publish guidance interpreting these provider requirements on its website at dhcf.dc.gov.

8609 PROGRAM SERVICES: LICENSED BEHAVIORAL HEALTH PRACTITIONERS

8609.1 Effective January 1, 2020, the following licensed behavioral health providers shall be eligible to enroll in the District of Columbia Medicaid Program and provide behavioral health services, regardless of program affiliation:

- (a) Psychologists;
- (b) Licensed Independent Clinical Social Workers;
- (c) Licensed Professional Counselors; and

(d) Licensed Marriage and Family Therapists.

8609.2 Medicaid reimbursement will be available for the following services, when provided to an eligible Medicaid beneficiary by a licensed behavioral health practitioner identified in § 8609.1, practicing within the scope of their licensure, in accordance with requirements set forth under the District of Columbia Health Occupations Revision Act of 1985, District of Columbia Official Code Title 3, Chapter 12 §§ 3-1201.01-3-1213.13, 3-1251.01-3.1251.16 and implementing regulations:

(a) Assessment, Diagnostic, and Screening services; and

(b) Psychological Testing.

8609.3 Medicaid reimbursement will be available for the following services, when provided to an eligible Medicaid beneficiary diagnosed with a serious emotional disturbance, SMI, or SUD by a licensed behavioral health practitioner identified in § 8609.1 by a licensed behavioral health practitioner, practicing within the scope of their licensure, in accordance with requirements set forth under the District of Columbia Health Occupations Revision Act of 1985 District of Columbia Official Code Title 3, Chapter 12 §§ 3-1201.01-3-1213.13, 3-1251.01-3.1251.16 and implementing regulations:

(a) Counseling and Psychotherapy; and

(b) Treatment Planning and Care Coordination.

8609.4 Medicaid reimbursement rates for fee-for-service behavioral health services provided in accordance with this section shall be eighty percent (80%) of the rates paid by the Medicare Program. The reimbursement rates for behavioral health services shall be posted on Department of Health Care Finance's website at www.dc-medicaid.com and updated annually.

8609.5 For services identified in §§ 8609.2 and 8609.3, where the procedure code does not fall within the Medicare fee schedule, the methodology set forth § 8609.6 shall be used to establish the Medicaid reimbursement rate.

8609.6 DHCF shall consider the following factors to establish the Medicaid reimbursement rate for procedure codes that do not fall within the Medicare fee schedule:

(a) Practitioner fees;

(b) Fee schedules from other states;

(c) Similar procedures with established fees; or

- (d) Private insurance payments.

8610 CRISIS STABLIZATION SERVICES

8610.1 Crisis stabilization services address an unplanned event requiring a response when an individual struggles to manage their psychiatric or substance use related symptoms without de-escalation or other intervention. This also includes situations in which daily life challenges result in or put an individual at risk of an escalation in symptoms.

8610.2 Effective June 1, 2020, Medicaid reimbursable crisis stabilization services shall include interventions in the following programs:

- (a) Comprehensive Psychiatric Emergency Program;
- (b) Psychiatric Stabilization Program;
- (c) Youth Mobile Crisis Intervention Program; and
- (d) Adult Mobile Crisis and Outreach Program.

8610.3 Medicaid beneficiaries who meet the requirements set forth in Chapter 80 of Title 22-A DCMR shall be eligible to receive crisis stabilization services.

8610.4 Crisis stabilization services shall be delivered in accordance with the requirements set forth in Chapter 80 of Title 22-A DCMR.

8610.5 Crisis stabilization service providers shall be certified in accordance with the requirements set forth in Chapters 80 of Title 22-A DCMR.

8611 SUPPORTED EMPLOYMENT SERVICES FOR BENEFICIARIES WITH A SUBSTANCE USE DISORDER

8611.1 Supported employment services for beneficiaries with an SUD shall:

- (a) Provide ongoing work-based vocational assessment, job development, job coaching, treatment team coordination, and vocational and therapeutic follow-along supports;
- (b) Involve community-based employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer;
- (c) Provide services at various work sites; and
- (d) Provide part-time and full-time job options that are:

- (1) Diverse, competitive, and integrated with co-workers without disabilities;
- (2) Based in business or employment settings that have permanent status rather than temporary or time-limited status; and
- (3) Pay minimum wage, or greater, of the jurisdiction in which the job is located.

8611.2 Effective March 27, 2020, Medicaid reimbursable supported employment services for individuals with SUD are those set forth in Chapter 37 of Title 22-A DCMR.

8611.3 In accordance with the eligibility requirements set forth in Chapter 37 of Title 22-A DCMR, an individual eligible for supported employment services shall:

- (a) Be a Medicaid beneficiary at least eighteen (18) years of age;
- (b) Indicate an interest in employment;
- (c) Have supported employment identified as a needed service on a current, person-centered plan of care that has been reviewed by DBH;
- (d) Not be concurrently receiving Assertive Community Treatment (ACT) services, as defined in Chapter 34 of Title 22-A DCMR;
- (e) Be receiving services in one of the following SUD levels of care, as defined in Chapter 63 of Title 22-A DCMR:
 - (1) Level ??: Opioid Treatment Program (OTP) on an outpatient basis;
 - (2) Level 1: Outpatient;
 - (3) Level 2.1: Intensive Outpatient; or
 - (4) Level 2.5: Day Treatment;
- (f) Be assessed as being able to benefit from and meaningfully engage in SUD supported employment services; and
- (g) Be determined by DBH as meeting the following needs-based criteria set forth in Chapter 37 of Title 22-A DCMR.

8611.4 Individuals shall be assessed for supported employment services by an entity designated by DBH.

8611.5 The designated assessment entity shall conduct the needs-based assessment in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR

and shall conduct a reassessment at least every one-hundred eighty (180) days or upon significant change in the beneficiary's condition.

- 8611.6 The designated assessment entity shall also be responsible for developing the person-centered plan of care, as identified in § 8607.3(c), in accordance with federal regulations under 43 CFR § 441.725 and requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.7 The person-centered plan of care shall be reviewed and revised by the designated assessment entity in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.8 The designated assessment entity shall also assist the Medicaid beneficiary in identification and selection of a supported employment provider.
- 8611.9 The assessment and the person-centered plan of care shall be reviewed by DBH, consistent with the requirements set forth in Chapter 37 of Title 22-A DCMR prior to initiation of supported employment services.
- 8611.10 Following review and approval of the assessment information and person-centered plan of care, DBH shall issue an authorization for the initiation of supported employment services by the beneficiary-selected supported employment provider, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.11 The designated assessment entity shall inform the beneficiary of his or her eligibility for supported employment services.
- 8611.12 Supported employment providers shall be certified in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.13 A supported employment provider shall develop an Individualized Work Plan for each Medicaid beneficiary receiving supported employment services, in accordance with the requirements set forth in Chapter 37 of Title 22-A DCMR.
- 8611.14 Medicaid reimbursement is not available for supported employment services provided to beneficiaries that reside in an institutional setting or any setting that is not in compliance with HCBS setting requirements consistent with 42 CFR § 441.301.

8612 TRANSITION PLANNING SERVICES

- 8612.1 Transition planning services for beneficiaries stepping down from certain institutional treatment settings identify needed treatment and support services that support recovery and reduce the chances of avoidable hospital or residential treatment readmissions. Transition planning services also connect beneficiaries to these identified treatment and support services.

8612.2 Effective September 1, 2020, Medicaid reimbursable transition planning services shall include the following activities:

- (a) Assessment of beneficiary’s post-discharge needs;
- (b) Development of a discharge plan; and
- (c) Care coordination and case management related to implementation of the discharge plan.

8612.3 Medicaid beneficiaries who meet the requirements set forth in Chapter 65 of Title 22-A of the DCMR shall be eligible to receive transition planning services.

8612.4 Transition planning services shall be delivered in accordance with the requirements set forth in Chapter 65 of Title 22-A of the DCMR.

8612.5 Transition planning service providers shall be certified in accordance with the requirements set forth in Chapters 65 of Title 22-A of the DCMR.

8613 MEDICATION ASSISTED TREATMENT BENEFICIARY COST SHARING

8613.1 Medicaid amount, duration and scope requirements, as set forth under § 1902(a)(10)(B) of the SSA, and comparability requirements, as set forth under §§ 1902(a)(10) and 1902(a)(17), are waived under this demonstration program to enable the DHCF to exempt beneficiaries receiving SUD treatment under this demonstration from one-dollar (\$1) pharmacy cost-sharing requirements when they are receiving prescriptions associated with MAT.

8613.2 There shall be no Medicaid beneficiary cost-sharing for prescriptions associated with the provision of MAT services.

8613.3 Medicaid reimbursement for prescriptions associated with the provision of MAT services shall increase by the cost-sharing amount set forth in the District of Columbia Medicaid State Plan fee-for-service pharmacy services.

8613.4 Effective January 1, 2020, DHCF shall increase fee-for-service pharmacy provider reimbursement rates for prescriptions associated with provision of MAT services by the cost-sharing amount identified in § 8613.3.

8614 RECORDKEEPING

8614.1 Each provider of demonstration program services shall establish and implement a privacy plan to protect the privacy and confidentiality of a beneficiary's records.

8614.2 The disclosure of information by a provider of demonstration program services shall be subject to all provisions of applicable District and federal laws governing the privacy and security of health and personal information.

8614.3 Each provider of demonstration program services shall maintain complete beneficiary records, financial records covering its operations, and individual treatment plans, in accordance with the service requirements set forth in this chapter, and shall maintain each record for at least ten (10) years.

8615 ACCESS TO RECORDS

8615.1 Each Medicaid-enrolled provider of waiver services shall maintain beneficiary records and individual treatment plans in a manner that will render them amenable to audit and review by the U.S. Department of Health and Human Services, DHCF, DBH, and their authorized designees or agents. Providers must allow appropriate DHCF personnel, DBH personnel, representatives of the U.S. Department of Health and Human Services, and other authorized designees or officials of the District of Columbia government and federal government full access to all records upon request and during announced or unannounced audits or reviews.

8616 AUDITS AND REVIEWS

8616.1 This section sets forth the requirements for audits and reviews of demonstration program services set forth in this chapter. DHCF, or its designee, shall perform regular audits of eligible providers to ensure that Medicaid payments are consistent with efficiency, economy and quality of care, and made in accordance with federal and District conditions of payment. The audits shall be conducted at least annually and when necessary to investigate and maintain program integrity.

8616.2 DHCF, or its designee, shall perform routine audits of claims, by statistically valid scientific sampling, to determine the appropriateness of demonstration program services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in this rule, and made in accordance with federal and District rules governing Medicaid.

8616.3 The audit process may utilize statistically valid sampling methods to ensure that a statistically valid sample is drawn when the audit is based on claims sampling. The audit process may review all claims by type, time-period, or other criteria established by DHCF or other entities. Statistically valid and commonly accepted standards methods for calculating overpayments will be followed. If DHCF denies a claim during an audit, DHCF shall recoup, by the most expeditious means available, those monies erroneously paid to the provider for denied claims, following the process for administrative review as outlined below:

- (a) DHCF shall issue a Notice of Proposed Medicaid Overpayment Recovery (NPMOR), which sets forth the reasons for the recoupment, including the

specific reference to the particular sections of the statute, rules, or provider agreement, the amount to be recouped, and the procedures for requesting an administrative review;

- (b) The Provider shall have thirty (30) days from the date of the NPMOR to submit documentary evidence and written argument to DHCF against the proposed action;
- (c) The documentary evidence and written argument shall include a specific description of the item to be reviewed, the reason for the request for review, the relief requested, and documentation in support of the relief requested;
- (d) Based on review of the documentary evidence and written argument, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNMOR);
- (e) Within fifteen (15) days of receipt of the FNMOR, the Provider may appeal the written determination by filing a written notice of appeal with the Office of Administrative Hearings (OAH), 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001; and
- (f) Filing an appeal with the OAH shall not stay any action to recover any overpayment.

8616.4 All participant, personnel, program, administrative, and fiscal records shall be maintained so that they are accessible and readily retrievable for inspection and review by authorized government officials or their agents, as requested. DHCF shall retain the right to conduct audits or reviews at any time and audits or reviews may be announced or unannounced.

8616.5 All records and documents required to be kept under this chapter and other applicable laws and regulations which are not maintained or accessible in the operating office visited during an audit shall be produced for inspection within twenty-four (24) hours, or within a shorter reasonable time if specified, upon the request of the auditing official.

8616.6 The failure of a provider to release or to grant access to program documents and records to the DHCF auditors in a timely manner, after reasonable notice by DHCF to the provider to produce the same, shall constitute grounds to terminate the Medicaid Provider Agreement. This provision in no way limits DHCF's ability to terminate any Medicaid Provider Agreement for any other reason.

8616.7 As part of the audit process, documents providers shall grant access, which may include, at a minimum, the following:

- (a) Relevant financial records;

- (b) Statistical data to verify costs previously reported;
- (c) Program documentation;
- (d) A record of all service authorization and prior authorizations for services;
- (e) A record for all request for change in services;
- (f) Any records listed in § 8614, in addition to any other records relating to the adjudication of claims, including, the number of units of the delivered service, the period during which the service was delivered and dates of service, and the name, signature, and credentials of the service provider(s); and
- (g) Any record necessary to demonstrate compliance with rules, requirements, guidelines, and standards for implementation and administration of demonstration program services.

8616.8 Nothing in this rule effects a provider's independent legal obligation under this chapter and federal and District law to self-identify overpayments and repay within sixty (60) days of discovery.

8617 QUALITY OVERSIGHT AND PROVIDER REPORTING

8617.1 Medicaid reimbursement for services provided under this chapter are authorized under Section 1115(a)(2) of the SSA and are subject to evaluation and monitoring requirements consistent with the terms and conditions of the authorized demonstration.

8617.2 As a condition of reimbursement for services authorized under this chapter, providers are required to report any clinical, billing, or utilization information related to provision of service authorized under this chapter to DHCF, its designee, or CMS upon request.

8617.3 DHCF shall interpret provider guidance with regard to quality oversight and provider reporting requirements, or subsequent changes, on the DHCF website at www.dhcf.dc.gov.

8699 DEFINITIONS

8699.1 For purposes of this chapter, the following terms shall have the meanings ascribed:

Case Management – A collaborative process of assessment, planning, facilitation, and advocacy for options and services to meet the beneficiary's behavioral health needs through communication and available resources.

Clubhouse – See Psychosocial Rehabilitation Services.

Counseling - Individual, group, or family face-to-face services for symptom and behavior management, development, restoration, or enhancement of adaptive behaviors and skills, and enhancement or maintenance of daily living skills.

Department of Behavioral Health – The executive department that is the successor in interest to the Department of Mental Health pursuant to the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.01 *et seq.*).

Department of Health Care Finance - The executive department responsible for administering the Medicaid program within the District of Columbia effective October 1, 2008.

Institutions for Mental Disease – Shall have the same meaning as set forth in 42 CFR § 435.1010.

Medication Assisted Treatment - The use of FDA-approved medications, in combination with counseling and behavioral therapies, to provide a "whole-patient" approach to the treatment of substance use disorders.

Medicaid Fee Schedule - A comprehensive list of fee maximums used to reimburse providers on a fee-for-service basis located at www.dc-medicaid.com.

Psychosocial Rehabilitation Services – Behavioral health, cognitive, or supportive interventions assisting individuals with the development of life skills. Also known as Clubhouse services.

Recovery Support Services (RSS) - Non-clinical services provided to a beneficiary by a certified RSS provider to assist the beneficiary in achieving or sustaining recovery from an SUD. RSS are available to individuals with an SUD who are currently in treatment or have moved into recovery from substance use/abuse, and individuals who have self-identified with SUD, but are assessed as not needing treatment.

Substance Use Disorder (SUD) – A chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the client continues using a substance despite significant substance-related problems. A diagnosis of SUD requires a client to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the most recent version of the DSM.

Transition Planning Services - Services for beneficiaries stepping down from certain institutional treatment settings that identify needed treatment and

support services o support recovery, reduce the chances of avoidable hospital or residential treatment readmissions, and connect beneficiaries to identified treatment and support services.

Trauma Recovery and Empowerment Model (TREM) - A structured group therapy intervention for individuals who have survived trauma and have substance use disorders or mental health conditions. TREM draws on cognitive restructuring, skills training, and psychoeducational and peer support to address recovery and healing from sexual, physical, and emotional abuse.

Trauma System Therapy (TST) - A comprehensive, phase-based model for treating traumatic stress in children and adolescents that adds to individually-based approaches, by specifically addressing the child's or youth's social environment and/or system of care. TST is designed to provide an integrated, highly coordinated system of services guided by the specific understanding of the nature of child or youth traumatic stress.

Vocational Services – Services necessary to enable an individual with a disability to engage in competitive employment.

Comments on this proposed rulemaking shall be submitted in writing to Melisa Byrd, Medicaid Director, Department of Health Care Finance, 441 4th Street, N.W., 9th Floor, Washington, D.C. 20001, via email to DHCFPubliccomments@dc.gov, online at www.dcregs.dc.gov, or by telephone to (202) 442-8742, within thirty (30) days after the date of publication of this notice in the *D.C. Register* or online at DHCF's website. Additional copies of these rules may be obtained from the above address.

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED 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, on an emergency basis, 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 temporarily amend the continuing education requirements for pharmacists to waive the requirement for completion of ten (10) continuing education credits through live in-person courses for the renewal, reactivation, and reinstatement periods ending February 28, 2021.

This rulemaking is necessary to protect the health, safety, and welfare of the District's residents by reducing the spread of COVID-19 by enabling pharmacists to satisfy their continuing education requirements through online courses. This waiver is consistent with current social distancing efforts to reduce the spread of COVID-19.

This emergency rulemaking was adopted on October 15, 2020, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (February 12, 2021), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director also give notice of her intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of 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 as follows:****Subsection 6513.4 is amended to read as follows:**

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, all of which may be satisfied through approved online courses, and 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.

Subsections 6513.6 through 6513.8 are amended to read as follows:

- 6513.6 With the exception of the licensure renewal period ending February 28, 2021, 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 With the exception of the licensure renewal period ending February 28, 2021, a minimum of ten (10) contact hours of the required continuing education credits for renewal, reinstatement, or reactivation of a license 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, all of which may be satisfied through approved online courses, and 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).

Subsection 6513.10 is amended to read as follows:

- 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, all of which may be satisfied through approved online courses, and 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).

Subsection 6513.12 is amended to read as follows:

- 6513.12 For the licensure period ending 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, all of which may be satisfied through approved online courses, and 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).

All persons desiring to comment on the subject 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 sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY AND FIRST PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under §§ 102(11), 302 (14), and 1006 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.02(11), 3-1203.02 (14), and 3-1210.06 (2016 Repl.), D.C. Official Code § 47-2885.01, D.C. Official Code § 47-2885.18)), Mayor's Order 98-48 dated April 15, 1998, Mayor's Order 98-140, dated August 20, 1998, Mayor's Order 2020-045, dated March 11, 2020; Mayor's Order 2020-050, dated March 20, 2020, and Mayor's Order 2020-079, dated July 22, 2020, gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 65 (Pharmacists) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) by adding a new § 6516 (COVID-19 Testing by Pharmacists).

This emergency rulemaking is necessary to continue to protect the health, safety, and welfare of the District's residents by reducing the spread of COVID-19 by establishing minimum standards for the safe and effective operation of pharmacies where pharmacists, pharmacy interns, and pharmacy technicians under the direct supervision of a pharmacist, participate in COVID-19 testing. This rulemaking further defines and addresses the location standards, distancing requirements, and use of personal protection equipment standards for the different types of COVID-19 testing, and expands the authority to participate in COVID-19 testing to pharmacy technicians.

A Notice of Emergency rulemaking was published in the *D.C. Register* on June 19, 2020 at 67 DCR 007783. Those emergency rules were adopted on June 5, 2020, and expired one hundred twenty (120) days from the date of adoption, on October 3, 2020. Mayor's Order 2020-079, issued July 22, 2020, extended the declared public emergency and public health emergency in the District of Columbia through October 9, 2020. The Mayor's Order included the finding that the spread of COVID-19 remains a continued threat to the health, safety, and welfare of District residents. This emergency rulemaking action is necessary to maintain the continuity of these provisions through the extended period of the public emergency and public health emergency.

This emergency rulemaking was adopted on October 15, 2020, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (February 12, 2021), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director also gives notice of her intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 65, PHARMACISTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

A new Section 6516 is added to read as follows:

6516 COVID-19 TESTING BY PHARMACISTS

- 6516.1 A pharmacist licensed in good standing in the District of Columbia shall only perform COVID-19 tests as set forth in this section.
- 6516.2 For purposes of this section, the terms "COVID-19 test" and "COVID-19 testing" shall refer to COVID-19 diagnostic tests, COVID-19 antibody tests, and any other tests and testing mechanisms for COVID-19 that are approved by the United States Food and Drug Administration (FDA), or that are authorized under a FDA Emergency Use Authorization (EUA), and for which a waiver has been granted under § 2 of the Clinical Laboratory Improvement Amendments Act (42 U.S.C. § 263a) (CLIA).
- 6516.3 For purposes of this section, the phrase "administer COVID-19 tests" or "administer COVID-19 testing" shall mean to administer a diagnostic COVID-19 test to a patient.
- 6516.4 For purposes of this section, the phrase "observe and facilitate collection of self-administered COVID-19 tests" or "observe and facilitate collection of self-administered COVID-19 testing" shall mean to observe a patient self-administer a diagnostic COVID-19 test to himself or herself.
- 6516.5 For purposes of this section, the phrase "administer COVID-19 antibody test" or "administer COVID-19 serology test" shall mean to obtain a specimen from a patient through fingerstick, nasal swab, or other CLIA-waived point of care test for purposes of testing for COVID-19 antibodies.
- 6516.6 For purposes of this section, the phrase "processing a COVID-19 antibody test" shall mean to analyze a specimen through the use of a CLIA-waived testing mechanism to detect the presence of COVID-19 antibodies.
- 6516.7 Only a pharmacist licensed in good standing in the District of Columbia shall administer, or supervise a licensed pharmacy intern in administering, diagnostic COVID-19 testing.
- 6516.8 The location site where diagnostic COVID-19 testing is administered shall meet the requirements set forth in § 6516.9 of this chapter.
- 6516.9 A COVID-19 testing location operated by a pharmacy in a non-institutional setting that performs diagnostic COVID-19 testing shall:

- (a) Be an outdoor location in close proximity to the pharmacy building, such as a parking lot; which may include drive up, curbside, or walk up access;
- (b) Not be located within six (6) feet of the entrance of the pharmacy building;
- (c) Have and follow a plan for the safe operation of the testing site, and an infection control plan; and
- (d) Maintain a record of all patients who have undergone COVID-19 testing at the testing location. This information shall be maintained by the pharmacy for at least one year unless otherwise directed by the Department of Health.

6516.10 All pharmacists and pharmacy interns involved in administering diagnostic COVID-19 testing shall wear appropriate personal protective equipment (PPE), which shall include at a minimum, a mask, gloves (which may be nonsterile), a face shield, and a protective gown.

6516.11 The pharmacist-in-charge of a pharmacy where diagnostic COVID-19 testing will be administered, shall:

- (a) Implement appropriate policies and procedures for the safe performance of COVID-19 testing at that location, which shall include appropriate training, collection procedures, availability and use of PPE, and proper disposal of used PPE; and
- (b) Staff the pharmacy in a manner to ensure that the pharmacist(s) who is administering or supervising the administration of diagnostic COVID-19 testing is engaged solely in administering or supervising the administration of diagnostic COVID-19 testing and is not dispensing prescriptions or counseling patients in between administering COVID-19 testing. The pharmacist performing COVID-19 testing shall only dispense prescriptions and counsel patients after all COVID-19 testing has been completed for the period during which he or she has been assigned to perform testing, after properly disposing of his or her PPE, and after thoroughly washing his or her hands.

6516.12 Only a pharmacist licensed in good standing in the District of Columbia shall observe and facilitate collection of self-administered COVID-19 testing or supervise a licensed pharmacy intern or registered pharmacy technician in observing and facilitating collection of self-administered COVID-19 testing.

6516.13 The location site where authorized pharmacy personnel observe and facilitate collection of self-administered COVID-19 testing occurs shall meet the requirements set forth in § 6516.14 of this chapter.

- 6516.14 Except as provided in § 6516.15, a COVID-19 testing location operated by a pharmacy in a non-institutional setting where authorized pharmacy personnel observe and facilitate collection of self-administered COVID-19 testing shall:
- (a) Be an outdoor location in close proximity to the pharmacy building, such as a parking lot; which may include drive up, curbside, or walk up access;
 - (b) Not be located within six (6) feet of the entrance of the pharmacy building;
 - (c) Have and follow a plan for the safe operation of the testing site, and an infection control plan; and
 - (d) Maintain a record of all patients who have undergone COVID-19 testing at the testing location. This information shall be maintained by the pharmacy for at least one year unless otherwise directed by the Department of Health.
- 6516.15 A COVID-19 testing location operated by a pharmacy in a non-institutional setting where authorized pharmacy personnel observe and facilitate collection of self-administered COVID-19 testing may perform the observation through a drive through window only if the pharmacy complies with the requirements set forth below:
- (a) The pharmacy implements procedures for a contactless and one-way directional observation and collection process, which shall ensure that nothing passes from the patient into the pharmacy including identification cards, payment, testing orders, or writing utensils;
 - (b) All pharmacy personnel shall remain greater than six (6) feet from the patient or behind a closed glass window at all times during the observation and collection; and
 - (c) The patient places the sealed specimen directly into an outdoor collection bin without aid or assistance from any pharmacy personnel.
- 6516.16 All pharmacists, pharmacy interns, and pharmacy technicians who observe and facilitate collection of self-administered COVID-19 testing shall wear appropriate PPE, which shall include at a minimum, a face mask and gloves.
- 6516.17 The pharmacist-in-charge of a pharmacy where authorized pharmacy personnel observe and facilitate collection of self-administered COVID-19 testing, shall implement appropriate policies and procedures for the safe performance of COVID-19 testing at that location, which shall include appropriate training, collection procedures, availability and use of PPE, proper disposal of used PPE, and appropriate staffing levels.

- 6516.18 Only a pharmacist licensed in good standing in the District of Columbia shall administer or supervise a licensed pharmacy intern to administer a COVID-19 antibody or serology test.
- 6516.19 The location site where COVID-19 antibody or serology testing is administered which requires removal of a patient's mask, or in which the patient's sputum or other bodily fluids may potentially become aerosolized, shall meet the requirements set for in § 6516.9 of this chapter.
- 6516.20 The location site where COVID-19 antibody or serology testing occurs using fingerstick or other point of care testing in which there is no potential for the patient's bodily fluids to become aerosolized, shall meet the requirements set forth in § 6516.21 of this chapter.
- 6516.21 A COVID-19 testing location operated by a pharmacy in a non-institutional setting where authorized pharmacy personnel administer COVID-19 antibody or serology testing in which there is no potential for the patient's bodily fluids to become aerosolized shall:
- (a) Ensure patient privacy;
 - (b) Have and follow a plan for the safe operation of the testing site, and an infection control plan; and
 - (c) Maintain a record of all patients who have undergone COVID-19 testing at the testing location. This information shall be maintained by the pharmacy for at least one year unless otherwise directed by the Department of Health.
- 6516.22 All pharmacists and pharmacy interns who administer COVID-19 antibody or serology testing shall wear appropriate PPE, which shall include, at a minimum, a face mask and gloves.
- 6516.23 The pharmacist-in-charge of a pharmacy where authorized pharmacy personnel administer COVID-19 antibody or serology testing, shall implement appropriate policies and procedures for the safe performance of COVID-19 testing at that location, which shall include appropriate training, collection procedures, availability and use of PPE, proper disposal of used PPE, and appropriate staffing levels.
- 6516.24 All COVID-19 testing conducted in a non-institutional pharmacy location shall be performed by appointment only, which may be scheduled the same day and onsite.
- 6516.25 Prior to performing COVID-19 testing, a pharmacist shall review and familiarize himself/herself with the Center for Disease Control's "Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons for Coronavirus Disease 2019 (COVID-19)" and ensure that the pharmacist has appropriate PPE to safely

perform the testing.

- 6516.26 The health care practitioner who orders the COVID-19 test, who may be the same pharmacist who administers the test, shall be responsible for receiving the test results and directing a patient with a positive test result to receive care and monitoring.
- 6516.27 A pharmacist licensed in good standing in the District of Columbia may permit a licensed pharmacy intern to administer diagnostic COVID-19 testing or COVID-19 serology testing under the pharmacist's direct supervision, on an individual who is eighteen (18) years of age or older, in accordance with the requirements set forth in this section.
- 6516.28 A pharmacist licensed in good standing in the District of Columbia may permit a licensed pharmacy intern to observe and facilitate self-administered COVID-19 testing under the pharmacist's supervision, on an individual who is eighteen (18) years of age or older, in accordance with the requirements set forth in this section.
- 6516.29 A pharmacist licensed in good standing in the District of Columbia may permit a registered pharmacy technician to observe and facilitate self-administered COVID-19 testing under the pharmacist's direct supervision, on an individual who is eighteen (18) years of age or older, in accordance with the requirements set forth in this section.
- 6516.30 Unless otherwise specified in this section, all pharmacists and pharmacy staff who are within six (6) feet of patients during COVID-19 testing shall wear appropriate PPE, which shall include at a minimum, a mask, gloves (which may be nonsterile), a face shield, and a protective gown.
- 6516.31 Unless otherwise specified in this section, all pharmacists and pharmacy staff who will remain greater than six (6) feet of patients at all times during COVID-19 testing and who will not have direct patient contact shall wear appropriate PPE, which shall include at a minimum a face mask and gloves.

All persons desiring to comment on the subject 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 sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

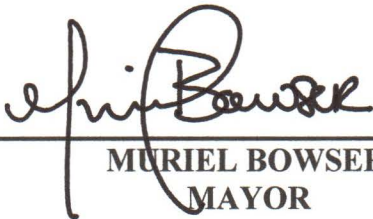
Mayor’s Order 2020-105
October 16, 2020

SUBJECT: Appointments — Concealed Pistol Licensing Review Board

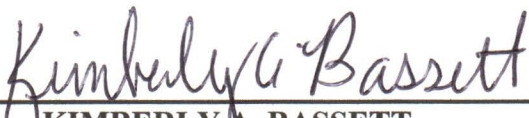
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015, D.C. Law 20-279, D.C. Official Code § 7-2509.08 (2018 Repl.), it is hereby **ORDERED** that:

1. **SARAH OHLSEN**, is appointed as a District resident with experience in the operation, care, and handling of firearms member of the Concealed Pistol Licensing Review Board, for a term to end November 21, 2023.
2. **DANIELLE REIFF**, is appointed as a District resident with experience in the operation, care, and handling of firearms member of the Concealed Pistol Licensing Review Board, for a term to end November 21, 2023.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

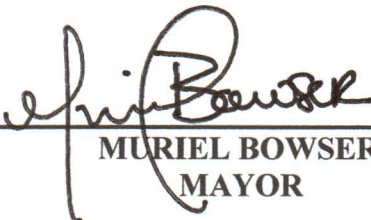
GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

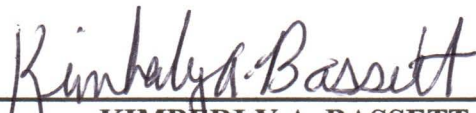
Mayor's Order 2020-106
October 16, 2020**SUBJECT:** Appointment — Interim State Superintendent of Education**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000, D.C. Law 13-176, D.C. Official Code § 38-2601, it is hereby **ORDERED** that:

1. **SHANA YOUNG**, is appointed as the Interim State Superintendent of Education, Office of the State Superintendent of Education, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-240, dated November 16, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-107
October 22, 2020

SUBJECT: Delegation of Authority — Contracts with the Metropolitan Washington Council of Governments

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and pursuant to section 1(j-2) of An Act To grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944, 58 Stat. 819, D.C. Official Code § 1-301.01(j-2) ("Act"), it is hereby **ORDERED** that:

1. The Chief Procurement Officer of the District of Columbia ("CPO") is delegated the authority of the Mayor under section 1(j-2) of the Act (D.C. Official Code § 1-301.01(j-2)) to contract, notwithstanding 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.*), with the Metropolitan Washington Council of Governments for the provision or receipt of materials, supplies, equipment, work, or services of any kind, and the CPO may exercise that authority on behalf of any District agency.
2. The authority delegated to the CPO by paragraph 1 of this Order may be further delegated to subordinates under the jurisdiction of the CPO.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: _____



KIMBERLY A. BASSETT

SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA – CATERER LICENSEES

WEDNESDAY, OCTOBER 28, 2020
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-072420 - **Spices Restaurant** – Caterer – 3333 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-072705– **Main Event Caterers** – Caterer –3870 SOUTH FOUR MILE RUN DR,
ARLINGTON VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-074045– **Federal City Caterer's** – Caterer –1119 12TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-075771– **Geppetto Catering Co. Inc.** – Caterer –4505 QUEENSBURY RD,
RIVERDALE, MD
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-079539– **M. K. Catering, Inc.** – Caterer –5724 LAFAYETTE PL, HYATTSVILLE,
MD
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-080091– **Catering by Avalon, Inc.** – Caterer –6400 WOODBRIDGE RD,
ALEXANDRIA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-081276– **The Park at 14th** – Caterer –920 14th ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086271– **Langston Bar & Grille** – Caterer –1831 BENNING RD NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086362– **Purple Onion Catering Company** – Caterer –416 MAPLE AVENUE WEST,
VIENNA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-088399– **Jose Andres Catering** – Caterer –480 7th ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-088438– **Chef Expressions** – Caterer –9526 DEERECO RD, TIMONIUM, MD
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092155– **Equinox** – Caterer –818 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092376– **Green Plate Catering** – Caterer –11307 ELKIN ST, WHEATON, MD
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093123– **Luke's Lobster** – Caterer –624 E ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093580– **Katherine's Catering** – Caterer –5018 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094227– **Root and Stem Catering** – Caterer –2941 FAIRVIEW PARK DRIVE, #110,
FALLS CHURCH, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094868– **Pinstripes** – Caterer –3222 M ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100205– **Barcelona** – Caterer –3310 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-101680– **EatsPlace** – Caterer –3607 GEORGIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102443– **Rouge Fine Catering** – Caterer –11110 PEPPER RD, STE F, HUNT
VALLEY, MD
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102755– **Capitale** – Caterer –1730 M ST NW, Ste. 100
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103546– **Bluejacket** – Caterer –300 TINGEY ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103563– **Delia's Catering** – Caterer –626 S WASHINGTON ST, FALLS CHURCH,
VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103694– **Via Umbria** – Caterer –1525 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104526– **Congress Catering** – Caterer –5922 COVE LANDING ROAD, UNIT 303,
BURKE, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104527– **Trump International Hotel Washington DC/ BLT Prime** – Caterer –1100
PENNSYLVANIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104597– **Dacha Beer Garden** – Caterer –1600 7th ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-105441– **Timber Pizza Company** – Caterer –809 UPSHUR ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106062– **Chef Mikko** – Caterer –1636 R ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106464– **K & A Catering** – Caterer –2619 EVARTS ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107473– **C & C Catering, Inc.** – Caterer –575 #B COMMERCE DR, UPPER
MARLBORO, MD
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108145– **Po Boy Jim** – Caterer –709 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108399– **Aloha CR3W Entertainment and Catering** – Caterer –3607 GEORGIA AVE
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110907– **Fresh Connection Catering** – Caterer –25387 PLEASANT VALLEY RD,
#110, CHANTILLY, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111826– **The Village Cafe** – Caterer –1272 5TH ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111876– **Chloe** – Caterer –1331 4th ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112185– **Grace Street Coffee Roasters** – Caterer –3210 GRACE ST NW, Ste. 106A
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112204– **District Space** – Caterer –3522 12TH ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112768– **Outside the Box Productions** – Caterer –1620 I ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-113840– **Rosa Mexicano** – Caterer –575 7th STREET NW, UNIT #1
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114056– **American Son/Kintsugi/Wild Days/Allegory** – Caterer –1201 K ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114208– **Mi Vida** – Caterer –98 DISTRICT SQ SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114575– **Wine Key Experience** – Caterer –703 EDGEWOOD ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114579– **America Eats Tavern** – Caterer –3139 M ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115196– **Impeccable Occasions** – Caterer –820 S PICKETT ST, ALEXANDRIA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115657– **Joselito - Casa de Comidas** – Caterer –660 PENNSYLVANIA AVE SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115823– **Oro Catering** – Caterer –3000 WHITEHAVEN ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-116136– **Bistro Cacao** – Caterer –320 MASSACHUSETTS AVE NE
[Licensee Did Not Pay 2nd Year Payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA – CLASS A LICENSEES

WEDNESDAY, OCTOBER 28, 2020
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-09423 – **Fort Carroll Market** – Retail – A – Liquor Store – 3705 MLK JR. AVENUE SE
[Licensee did not pay 3rd year payment.]

ABRA-113587 – **Nopa Liquor** – Retail – A – Liquor Store – 547 42ND STREET NE
[Licensee did not pay 3rd year payment.]

ABRA-102895 – **Vintage Cellars** – Internet – A – 301 NEW YORK AVENUE NE, #2B107
[Licensee did not pay 3rd year payment.]

ABRA-116401 – **Silvermans Liquors** – Retail – A – Liquor Store – 2033 BENNING ROAD NE
[Licensee did not pay 3rd year payment.]

ABRA-082981 – **Capitol Fine Wine & Spirits** – Retail – A – Liquor Store – 415 H STREET NE
[Licensee did not pay 3rd year payment.]

ABRA-109545 – **Best 1 Liquors** – Retail – A – Liquor Store – 322 FLORIDA AVENUE NW
[Licensee did not pay 3rd year payment.]

ABRA-103795 – **Local Vine** – Retail – A – Liquor Store – 1575 NEW YORK AVENUE NE
[Licensee did not pay 3rd year payment.]

ABRA-091199 – **D’Vines** – Retail – A – Liquor Store – 3103 14TH STREET NW
[Licensee did not pay 3rd year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA – CLASS B LICENSEES

WEDNESDAY, OCTOBER 28, 2020
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-108439 - **Gee's Market** – Retail - Class B – 3583 WARDER ST NW
[Licensee Did Not Renew.]

ABRA-089590 - **Direct du Domaine** – Wholesaler – B – 4221 A CONNECTICUT AVE NW
[Licensee Did Not Renew.]

ABRA-093500 - **Hellbender Brewing Company LLC** – Manufacturer – B – 5788 2ND ST NE
[Licensee Did Not Renew.]

ABRA-101025 - **Capitol Cash and Carry** – Wholesaler – B – 1110 OKIE ST NE
[Licensee Did Not Renew.]

ABRA-103084 - **Red Wolf Imports** – Wholesaler – B – 175 R ST NE
[Licensee Did Not Renew.]

ABRA-103291 - **Bardo River Brewery** – Manufacturer – B – 25 POTOMAC AVE SE
[Licensee Did Not Renew.]

ABRA-103721 - **Wine Advise** – Wholesaler – B – 2820 PENNSYLVANIA AVE NW
[Licensee Did Not Renew.]

ABRA-103929 - **RAPP Distributing Company** – Wholesaler – B – 175 R ST NE
[Licensee Did Not Renew.]

ABRA-112042 - **District Vineyard** – Wholesaler – B – 2000 WALT LINCOLN WAY NE
[Licensee Did Not Renew.]

ABRA-112240 - **My Houeland** – Wholesaler – B – 301 New York AVE NE
[Licensee Did Not Renew.]

ABRA-112618 - **No Rules Distributors** – Wholesaler – B – 1701 FLORIDA AVE NW
[Licensee Did Not Renew.]

ABRA-113397 - **Soul Mega** – Wholesaler – B – 4221 CONNECTICUT AVE NW
[Licensee Did Not Renew.]

ABRA-116189 - **Sonor Wines America** – Wholesaler – B – 1200 UPSHUR ST NW
[Licensee Did Not Renew.]

ABRA-005950 - **Wisemillers Grocery & Deli** – Retail - Grocery – B – 1236 36TH ST NW
[Licensee Did Not Renew.]

ABRA-014153 - **Oasis** – Retail - Grocery – B – 2024 P ST NW
[Licensee Did Not Renew.]

ABRA-017772 - **Manhattan Market** – Retail - Grocery – B – 2647 CONNECTICUT AVE
NW, #200
[Licensee Did Not Renew.]

ABRA-018083 - **Dean & Deluca** – Retail - Full Service Grocery – B – 3276 M ST NW
[Licensee Did Not Renew.]

ABRA-021260 - **14th Mini-market** – Retail - Grocery – B – 3904 14TH ST NW
[Licensee Did Not Renew.]

ABRA-021721 - **Andy's Carryout** – Retail - Grocery – B – 209 NEW YORK AVE NW
[Licensee Did Not Renew.]

ABRA-060454 - **New Hampshire Market** – Retail - Grocery – B – 1900 16TH ST NW
[Licensee Did Not Renew.]

ABRA-060717 - **1500 Market** – Retail - Grocery – B – 1500 MASSACHUSETTS AVE NW
[Licensee Did Not Renew.]

ABRA-060734 - **Lobby Mart** – Retail - Grocery – B – 501 3RD ST NW
[Licensee Did Not Renew.]

ABRA-074002 - **China Hut** – Retail - Grocery – B – 7708 GEORGIA AVE NW
[Licensee Did Not Renew.]

ABRA-076413 - **Los Primos** – Retail - Grocery – B – 3170 MT PLEASANT ST NW
[Licensee Did Not Renew.]

ABRA-078727 - **Capitol Hill Market** – Retail - Grocery – B – 241 MASSACHUSETTS AVE
NE
[Licensee Did Not Renew.]

ABRA-082681 - **Cork & Fork** – Retail - Grocery – B – 1522 14TH ST NW
[Licensee Did Not Renew.]

ABRA-083074 - **Quality Convenience Store** – Retail - Grocery – B – 2922 1/2 MARTIN
LUTHER KING JR AVE SE
[Licensee Did Not Renew.]

ABRA-086470 - **Anacostia Market** – Retail - Class B – 1303 GOOD HOPE RD SE
[Licensee Did Not Renew.]

ABRA-088966 - **Best World Supermarket** – Retail - Grocery – B – 3178 MOUNT
PLEASANT ST NW
[Licensee Did Not Renew.]

ABRA-089668 - **Mimi's Convenience** – Retail - Grocery – B – 5435 MacArthur BLVD NW
[Licensee Did Not Renew.]

ABRA-089932 - **King Convenience Store** – Retail - Grocery – B – 1535 U ST SE
[Licensee Did Not Renew.]

ABRA-090684 - **J & K Market** – Retail - Grocery – B – 234 15TH ST NE
[Licensee Did Not Renew.]

ABRA-094098 - **Aldi Inc.** – Retail - Full Service Grocery – B – 901 17TH ST NE
[Licensee Did Not Renew.]

ABRA-094127 - **Economy Market** – Retail - Grocery – B – 1804 D ST NE
[Licensee Did Not Renew.]

ABRA-097721 - **Ledroit Market** – Retail - Class B – 1901 4TH ST NW
[Licensee Did Not Renew.]

ABRA-097880 - **Sonya's Market** – Retail - Grocery – B – 2833 11TH ST NW
[Licensee Did Not Renew.]

ABRA-098074 - **Casa Lebrato** – Retail - Grocery – B – 1733 COLUMBIA RD NW
[Licensee Did Not Renew.]

ABRA-098356 - **Centrolina** – Retail - Full Service Grocery – B – 974 Palmer AL NW
[Licensee Did Not Renew.]

ABRA-103124 - **Rioja Market** – Retail - Class B – 1824 COLUMBIA RD NW
[Licensee Did Not Renew.]

ABRA-103723 - **J & D Market** – Retail - Grocery – B – 2201 MINNESOTA AVE SE
[Licensee Did Not Renew.]

ABRA-103996 - **Yang's Market** – Retail - Grocery – B – 138 U ST NE
[Licensee Did Not Renew.]

ABRA-105036 - **Martha's Market** – Retail - Grocery – B – 2400 MINNESOTA AVE SE
[Licensee Did Not Renew.]

ABRA-105882 - **Sal's Cafe** – Retail - Class B – 400 C ST SW
[Licensee Did Not Renew.]

ABRA-107663 - **Officina** – Retail - Full Service Grocery – B – 1120 Maine AVE SW
[Licensee Did Not Renew.]

ABRA-108071 - **Whitelaw Market** – Retail - Class B – 1846 13th ST NW
[Licensee Did Not Renew.]

ABRA-108109 - **Suburban Market** – Retail - Grocery – B – 4600 SHERIFF RD NE
[Licensee Did Not Renew.]

ABRA-108250 - **Homewood Suites by Hilton Washington, D.C./New York Avenue and Hampton Inn & Suites Washington D.C./ New York Avenue at 4th St. NE** – 25 Percent – B – 501 NEW YORK AVE NE
[Licensee Did Not Renew.]

ABRA-108370 - **Save-A-Lot, LTD Store #8044** – Retail - Full Service Grocery – B – 528 RHODE ISLAND AVE NE
[Licensee Did Not Renew.]

ABRA-108479 - **Food 7 Store** – Retail - Grocery – B – 1830 BENNING RD NE
[Licensee Did Not Renew.]

ABRA-108872 - **Good Hope Deli & Market** – Retail - Grocery – B – 1736 Good Hope RD SE
[Licensee Did Not Renew.]

ABRA-109067 - **Shipley Super Market** – Retail - Class B – 2283 SAVANNAH ST SE
[Licensee Did Not Renew.]

ABRA-110450 - **Residence Inn Dupont Circle** – 25 Percent – B – 2120 P ST NW
[Licensee Did Not Renew.]

ABRA-111480 - **Novel Grocery** – Beer and Wine – B – 4000 TUNLAW RD NW, #129
[Licensee Did Not Renew.]

ABRA-111519 - **The Madison Washington, D.C., a Hilton Hotel** – 25 Percent – B – 1177
15TH ST NW
[Licensee Did Not Renew.]

ABRA-111680 - **Cookie Corner** – Retail - Class B – 1970 2ND ST NW
[Licensee Did Not Renew.]

ABRA-111948 - **Hilton Garden Inn-DC/U.S. Capitol** – 25 Percent – B – 1225 First ST NE
[Licensee Did Not Renew.]

ABRA-112501 - **Dent Place Market** – Retail - Grocery – B – 1643 34TH ST NW
[Licensee Did Not Renew.]

ABRA-113353 - **Grand Cata at La Cosecha** – Retail - Full Service Grocery – B – 1280 4 ST
NE
[Licensee Did Not Renew.]

ABRA-113420 - **Menick's Market** – Retail - Class B – 4401 Nannie Helen Burroughs AVE NE
[Licensee Did Not Renew.]

ABRA-113576 - **New Seven Market** – Retail-Class B – B – 1406 GOOD HOPE RD SE
[Licensee Did Not Renew.]

ABRA-114571 - **The Natural Wine Shoppe, LLC** – Internet – B – 2800 8TH ST NE, Unit
3151

[Licensee Did Not Renew.]

ABRA-114712 - **Midnight Delicatessen** – Retail - Grocery – B – 4701 GEORGIA AVE NW

[Licensee Did Not Renew.]

ABRA-117009 - **Ikavina Wine and Spirits, LLC** – Wholesaler – B – 4221 CONNECTICUT
AVE NW

[Licensee Did Not Renew.]

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

**NOTICE OF MEETING
CEASE AND DESIST AGENDA – C AND D LICENSEES (CLUBS, MULTIPURPOSE
FACILITIES, RESTAURANTS, HOTELS, MARINE VESSELS)**

**WEDNESDAY, OCTOBER 28, 2020
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-000604 - **El Centro D. F.** – C - Restaurant – 1218 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-001008– **Foreign Service Club** – C - Club – 2101 E ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-001133– **Restaurant Associates** – C - Restaurant – 2700 F ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-001782– **The River Inn/Dish** – C - Hotel – 924 25TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-001910– **The Front Page Restaurant & Grille** – C - Restaurant – 1333 NEW
HAMPSHIRE AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-007255– **A Slice Of Italy Pizzeria** – D - Restaurant – 1331 PENNSYLVANIA AVE
NW, #D
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-009480– **New Heights** – C - Restaurant – 2317 CALVERT ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-014818– **City Lights of China** – C - Restaurant – 1729 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-017199– **The Grill From Ipanema** – C - Restaurant – 1858 COLUMBIA RD NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-020177– **Otello** – C - Restaurant – 1329 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-022889– **Serengeti** – C - Restaurant – 6210 GEORGIA AVE NW, #A
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-024748– **Cafe Soleil** – C - Restaurant – 839 17TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-026658– **Thunder Grill** – C - Restaurant – 50 MASSACHUSETTS AVE NE, #P
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060004– **Marcel's** – C - Restaurant – 2401 PENNSYLVANIA AVE NW, #B
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060467– **Local 16** – C - Restaurant – 1600 U ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060635– **Ella's Wood-Fired Pizza, LLC** – C - Restaurant – 901 F ST NW, #B
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060754– **LeDesales** – C - Restaurant – 1725 DESALES ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-071165– **Canopy- Embassy Row/ Truno** – C - Hotel – 1600 RHODE ISLAND AVE
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-071793– **The Ugly Mug Dining Saloon/Valor Brew Pub** – C - Restaurant – 723 8TH
ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-072095– **Gala Hispanic Theatre** – C - Multipurpose – 3333 14TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-072783– **Sticky Rice /Sing Sing Karaoke Palace** – C - Restaurant – 1222 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-073165– **Bobby Van's Grill** – C - Restaurant – 1201 NEW YORK AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-076383– **Brasserie Beck** – C - Restaurant – 1101 K ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-077127– **Georgia Brown's** – C - Restaurant – 950 15TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-077414– **Spirit of Mt. Vernon** – C - Marine Vessel – 600 WATER ST SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-077414-4– **National Elite** – C - Marine Vessel – 600 WATER ST SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-077565– **The Source by Wolfgang Puck** – C - Restaurant – 575 PENNSYLVANIA
AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-077573– **Newseum** – C - Multipurpose – 555 PENNSYLVANIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-078085– **Breadsoda** – C - Restaurant – 2233 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-079244– **Hotel Rouge** – C - Hotel – 1315 16TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-080085– **Avalon Theatre** – C - Multipurpose – 5612 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-080772– **Le Pain Quotidien** – D - Restaurant – 4872 MASSACHUSETTS AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-082758– **Bistro CaCao** – C - Restaurant – 320 MASSACHUSETTS AVE NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-083219– **U Street Music Hall** – C - Multipurpose – 1115 U ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-083696– **Hill Country** – C - Restaurant – 410 7TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-084847– **El Centro D.F.** – C - Restaurant – 1819 14TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-085876– **Cafe Deluxe** – C - Restaurant – 3226 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086595– **La Morenita** – C - Restaurant – 3539 Georgia AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-087574– **New District Kitchen** – C - Restaurant – 2606 Connecticut AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-088683– **Doi Moi/Birds Eye/ Destination Wedding** – C - Restaurant – 1800 14TH ST
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-089933– **Kokeb Ethiopian Restaurant** – C - Restaurant – 3013 GEORGIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-090420– **MXDC** – C - Restaurant – 600 14TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-090445– **Maketto** – C - Restaurant – 1351 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-090997– **RedRocks** – C - Restaurant – 1348 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-091165– **Toro Toro** – C - Restaurant – 1300 I ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-091285– **Art Jamz** – C - Multipurpose – 1728 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-091610– **Taco Bamba & Poca Madre** – C - Restaurant – 777 I ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093525– **Medium Rare Barracks Row, LLC** – C - Restaurant – 515 8TH ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093865– **Le Pain Quotidien** – D - Restaurant – 433 MASSACHUSETTS AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094362– **Campono** – C - Restaurant – 600 NEW HAMPSHIRE AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094844– **The Big Stick** – C - Restaurant – 20 M ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-095042– **Laliguras Indian & Nepali Bistro** – C - Restaurant – 4221 CONNECTICUT
AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-095147– **Penn Commons** – C - Restaurant – 700 6TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-095796– **Plan B Burger Bar** – C - Restaurant – 801 PENNSYLVANIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-095922– **Claudia's Steakhouse** – C - Restaurant – 1501 K ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-096458– **Coppi's Organic Restaurant** – C - Restaurant – 3321 CONNECTICUT AVE
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-097380– **BUL** – C - Restaurant – 2431 18TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-097418– **Bar Deco** – C - Restaurant – 717 6TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-097661– **Char Bar Restaurant and Eli's Market** – D - Restaurant – 2142 L ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098364– **Centrolina** – C - Restaurant – 974 PALMER AL NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098546– **Scarlet Oak** – C - Restaurant – 909 NEW JERSEY AVE SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098753-4– **Potomac Taxi I** – D - Marine Vessel – 211 N. UNION ST, ALEXANDRIA,
VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098753-5– **Potomac Taxi II** – D - Marine Vessel – 211 N. UNION ST, ALEXANDRIA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098753-6– **Potomac Taxi III** – D - Marine Vessel – 211 N. UNION ST, ALEXANDRIA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098753-7– **Potomac Taxi IV** – D - Marine Vessel – 211 N. UNION ST, ALEXANDRIA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098753-8– **Lady Josephine** – D - Marine Vessel – 211 N. UNION ST, ALEXANDRIA, VA
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-099558– **Espita Mezcaleria** – C - Restaurant – 1250 9TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100140– **Alta Strada** – C - Restaurant – 465 K ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100249– **Bullfrog Bagels, Pesce** – C - Restaurant – 317 7TH ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100855– **Half Smoke** – C - Restaurant – 651 FLORIDA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-101583– **Bistro Bohem** – C - Restaurant – 1840 6TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102223– **Whaley's** – C - Restaurant – 301 WATER ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102592– **The Salt Line** – C - Restaurant – 79 POTOMAC AVE SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102914– **Tony's Place** – C - Restaurant – 622 KENNEDY ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103055– **Champion Kitchen** – C - Restaurant – 7730 GEORGIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103881– **Succotash** – C - Restaurant – 915 F ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104030– **Escape Room Live** – C - Multipurpose – 3345 M ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104119– **Rito Loco-El Techo** – C - Restaurant – 606 FLORIDA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-105042– **Quara Ethiopian Fusion Resturant** – C - Restaurant – 818 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-105468– **Po Boy Jim 2** – C - Restaurant – 1934 9TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106089– **Laduree** – C - Restaurant – 3060 M ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106151– **Capital Crab & Seafood** – C - Restaurant – 5534 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106218– **Hyatt Place Washington DC/ US Capitol** – C - Hotel – 33 NEW YORK AVE
NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106537– **City Tap House** – C - Restaurant – 1250 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106681– **Kaliwa** – C - Restaurant – 751 WHARF ST SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107307– **Pear Plum** – C - Restaurant – 3064 MOUNT PLEASANT ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107345– **Fah Thai Cuisine** – C - Restaurant – 1414 9TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107432– **Choongman Chicken Draft House** – C - Restaurant – 3115 14TH ST NW, #1
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107710– **City Winery** – C - Restaurant – 1350 OKIE ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107768– **Shop Made in DC** – C - Restaurant – 1333 NEW HAMPSHIRE AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107912– **Homeslyce** – C - Restaurant – 2121 K ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108125– **Reverie** – C - Restaurant – 3210 GRACE ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108562– **Embassy Suites Chevy Chase Pavilion** – C - Hotel – 5335 WISCONSIN AVE
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108744– **The Wing** – C - Restaurant – 1056 THOMAS JEFFERSON ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108756– **Street Carts/Phillips Seafood & Steaks** – C - Restaurant – 1454 P ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108804– **Hikari Sushi & Sake Bar** – C - Restaurant – 644 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108842– **Streets Market** – C - Restaurant – 51 M ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108886– **Prather's on the Alley** – C - Restaurant – 455 I ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109097– **Magnolia** – C - Restaurant – 1601 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109116– **Dupont Underground** – D - Multipurpose – 19 DUPONT CIR NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109176– **San Lorenzo** – C - Restaurant – 1316 9th ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109214– **Guapos of Georgetown** – C - Restaurant – 3050 K ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109570– **WASI** – C - Restaurant – 2307 18TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109720– **America Eats Tavern** – C - Restaurant – 3139 M ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110083– **Addis Paris Cafe** – C - Restaurant – 3103 MOUNT PLEASANT ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110084– **Hanumanh** – C - Restaurant – 1604 7TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110747– **Union Oyster Bar & Lounge** – C - Restaurant – 501 MORSE ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110804– **Duet** – C - Restaurant – 601 2ND ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110984– **Scotts DC** – C - Restaurant – 927 F ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111411– **Brooklyn** – C - Restaurant – 1212 U ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111617– **High Street Cafe** – C - Restaurant – 1303 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111618– **Generator** – C - Hotel – 1900 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111740– **Annabelle** – C - Restaurant – 2130 FLORIDA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111837– **Olive Bistro Cafe/ Olive Restaurant** – C - Restaurant – 4619 41ST ST NW,
STE 100
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112012– **Hatoba** – C - Restaurant – 300 TINGEY ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112072– **District Soul Food Restaurant & Lounge** – C - Restaurant – 500 8TH ST SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112220– **Ivy City Smokehouse** – C - Restaurant – 1356 OKIE ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112429– **Shebelle Ethiopian Restaurant** – C - Restaurant – 1924 9TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112447– **The Liaison Capitol Hill** – C - Hotel – 415 NEW JERSEY AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112472– **Officina Cafe** – C - Restaurant – 1615 L ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112502– **Felicity Lounge** – C - Restaurant – 707 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-113187– **Little Sesame** – C - Restaurant – 736 6TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-113253– **Surfside** – C - Restaurant – 4200 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-113295– **Cane** – C - Restaurant – 403 H ST NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-113962– **Naanwise** – C - Restaurant – 2635 CONNECTICUT AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114097– **Ledo Pizza and Bar** – C - Restaurant – 1400 IRVING ST NW, UNIT 109
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114149– **Riggs Washington DC** – C - Hotel – 900 F ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114270– **LEON** – C - Restaurant – 649 NEW YORK AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114281– **The Admiral** – C - Restaurant – 1 DUPONT CIR NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114288– **Quilox Restaurant and Lounge** – C - Restaurant – 7303 GEORGIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114465– **SAKURAMEN Ramen Bar** – C - Restaurant – 2441 18TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114799– **Swahili Village The Consulate** – C - Restaurant – 1990 M ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114952– **Bluestone Lane** – C - Restaurant – 1701 14TH ST NW, #3
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115133– **Emmy Squared** – C - Restaurant – 1924 8TH ST NW, STE 140
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115173– **Mexicue** – C - Restaurant – 1720 14TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115376– **Miramar** – C - Restaurant – 1033 31ST ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115588– **Chopsmith** – D - Restaurant – 11 DISTRICT SQ SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115606– **Laliguras** – C - Restaurant – 2332 WISCONSIN AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115719– **Barkada Wine Bar** – C - Restaurant – 1939 12TH ST NW, UNIT C1-A
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115922– **Colada Shop** – C - Restaurant – 10 PEARL ST SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-116122– **Junction Bistro Bar & Bakery** – C - Restaurant – 238 MASSACHUSETTS
AVE NE
[Licensee Did Not Pay 2nd Year Payment.]

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

**NOTICE OF MEETING
CEASE AND DESIST AGENDA – C AND D LICENSEES (TAVERNS AND
NIGHTCLUBS)**

**WEDNESDAY, OCTOBER 28, 2020
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-105932 - **The Brighton** – C - Tavern – 949 WHARF STREET SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086604 - **El Rey** – C - Tavern – 919 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106265 - **Prequel** – C - Tavern – 919 19th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-075548 - **The Park Place at 14th** – C - Nightclub – 918-920 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-084577 - **American Ice Company** – C - Tavern – 917 V STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-078749 - **Dodge City** – C - Tavern – 917 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-078443 - **Velvet Lounge** – C - Tavern – 915 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-101299 - **The Dirty Goose** – C - Tavern – 913 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-082871 - **The Brixton** – C - Tavern – 901 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-091646 - **Petworth Citizen** – C - Tavern – 829 UPSHUR STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114133 - **Dos Mami's** – C - Tavern – 819 UPSHUR STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115362 - **Butter Chicken Company** – D - Tavern – 818 18th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106026 - **Union Stage** – C - Tavern – 740 WATER STREET SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107437 - **Union Trust** – C - Tavern – 740 15th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-099955 - **SAX** – C - Tavern – 734 11th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094099 - **Umay** – C - Tavern – 733 10TH ST NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104936 - **District Hardware and Bike** – C - Tavern – 730 MAINE AVENUE SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093948 - **Brookland Pint** – C - Tavern – 716 MONROE STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-113601 - **Sandlot Southwest** – C - Tavern – 71 POTOMAC AVENUE SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106766 - **SkillZone** – D - Tavern – 709 8th STREET SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102224 - **Free State** – C - Tavern – 700 5th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-079370 - **Takoma Station Tavern** – C - Tavern – 6914 4TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092357 - **Right Proper Brewing Company** – C - Tavern – 624 T STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-095111 - **Angelika Pop-Up** – C - Tavern – 550 PENN STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060040 - **Club Cinema** – C - Tavern – 5300 WISCONSIN AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109778 - **Bricklane Restaurant** – C - Tavern – 517 8th STREET SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-101534 - **Homewood Suites by Hilton Washington, D.C./NEW YORK AVENUE and Hampton Inn & Suites Washington D.C./NEW YORK AVENUE at 4th St. NE** – C - Tavern – 501 NEW YORK AVENUE NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-070520 - **Billy Goat Tavern & Grill** – C - Tavern – 500 NEW JERSEY AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107244 - **Columbus Club** – C - Tavern – 50 MASSACHUSETTS AVENUE NE, Unit B
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104058 - **Lesly's Grill** – C - Tavern – 4811 GEORGIA AVENUE, NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092705 - **Sandovan Restaurant & Lounge** – C - Tavern – 4809 GEORGIA AVE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112530 - **Pop Social** – C - Tavern – 470 L'ENFANT PLAZA SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-021562 - **Harry's** – C - Tavern – 436 11TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-075642 - **Harriets** – C - Tavern – 432 11TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-087703 - **Ten Tigers Parlour** – C - Tavern – 3813 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093984 - **DC Eagle** – C - Tavern – 3701 BENNING ROAD NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-087045 - **DC Reynolds** – C - Tavern – 3628 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100018 - **The Airedale** – C - Tavern – 3605 14th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110802 - **Smitty's** – C - Tavern – 3549 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-087727 - **Your District Space** – C - Tavern – 3522 12th STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115711 - **Buho's Restaurant** – C - Tavern – 3521 14th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103871 - **Chateau Remix** – C - Tavern – 3439 BENNING ROAD NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-073821 - **Cleveland Park Bar & Grill** – C - Tavern – 3421 CONNECTICUT AVENUE
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108217 - **Trattoria Al Volo** – C - Tavern – 3415-3417 CONNECTICUT AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-079568 - **Room 11** – C - Tavern – 3234 11th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-103087 - **Elle** – C - Tavern – 3221 Mt Pleasant STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114980 - **Taqueria Nacional** – C - Tavern – 3213 MOUNT PLEASANT STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104706 - **Primrose** – C - Tavern – 3002 12th STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092059 - **Bravo Bar** – C - Tavern – 2917 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-097569 - **Dew Drop Inn** – C - Tavern – 2801 8th STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-014759 - **Chuck & Bill Bison Lounge** – C - Tavern – 2718 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086424 - **Sankofa Cafe** – C - Tavern – 2714 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106785 - **Medusa Lounge** – C - Tavern – 2632 GEORGIA AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-096137 - **Songbyrd** – C - Tavern – 2475 18th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-088772 - **Smoke & Barrel** – C - Tavern – 2471 18TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-026466 - **Bukom Cafe** – C - Tavern – 2442 18TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086063 - **Mellow Mushroom** – C - Tavern – 2436 18TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106575 - **Grand Duchess** – C - Tavern – 2337 18TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104228 - **Power Night Club/Lounge/Restaurant** – C - Tavern – 2335
BLADENSBURG ROAD NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-023601 - **The Capitol Lounge** – C - Tavern – 229 PENNSYLVANIA AVENUE SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109071 - **Momo Yakitori** – C - Tavern – 2214 RHODE ISLAND AVENUE NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-099263 - **Sakerum** – C - Tavern – 2204 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-105646 - **Echo Park** – C - Tavern – 2012 9TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107167 - **Fantom Comics** – D - Tavern – 2010 P STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-078226 - **The Gibson** – C - Tavern – 2009 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-087296 - **Satellite Room** – C - Tavern – 2007 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-076166 - **Marvin** – C - Tavern – 2007 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114684 - **Bar Lorea** – C - Tavern – 2005 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098902 - **Big Chief** – C - Tavern – 2002 FENWICK STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109169 - **The Imperial** – C - Tavern – 2001 18TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-083420 - **Lost Society** – C - Tavern – 2001 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-083264 - **Music & Arts Club/Tropicalia** – C - Nightclub – 2001 14TH STREET
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114205 - **Mama 'San/Harlot** – C - Tavern – 2001 11th STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114773 - **Lyve at U** – C - Tavern – 2001 11TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-075811 - **Solly's U STREET Tavern** – C - Tavern – 1942 11TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-071156 - **DC 9** – C - Nightclub – 1940 9TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-107123 - **Secret Lounge** – C - Tavern – 1928 9TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-093572 - **Cloud Restaurant & Lounge Sports Bar** – C - Tavern – 1919 9TH STREET
NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-087362 - **Habesha Market & Carry-Out Restaurant** – D - Tavern – 1919 9TH
STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110702 - **Empire Lounge** – C - Tavern – 1909 9TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100517 - **District Anchor** – C - Nightclub – 1900 M STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060456 - **Cafe Saint-Ex** – C - Tavern – 1847 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-091418 - **Mockingbird Hill** – C - Tavern – 1843 7TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-091602 - **Eat The Rich/Southern Efficiency** – C - Tavern – 1841 7TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-116058 - **Sign of the Whale** – C - Tavern – 1825 M STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-001449 - **Camelot** – C - Nightclub – 1823 M STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060477 - **Aqua Restaurant** – C - Nightclub – 1818 NEW YORK AVENUE NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098584 - **Broccoli Bar** – C - Tavern – 1817 7TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109651 - **The Caged Bird** – C - Tavern – 1723 CONNECTICUT AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-083133 - **Eye Bar/Garden of Eden** – C - Nightclub – 1716 I STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109613 - **Rosemarino D'Italia** – C - Tavern – 1714 CONNECTICUT AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109076 - **Taqueria Local** – C - Tavern – 1627 K STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094158 - **The Public Option** – C - Tavern – 1601 RHODE ISLAND AVENUE NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100573 - **The Passenger** – C - Tavern – 1539 7TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092860 - **Ivy and Coney** – C - Tavern – 1537 7TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111423 - **Mazi** – C - Tavern – 1518 K STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-115069 - **Studio 52** – C - Tavern – 1508 OKIE STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-100316 - **Elevate** – C - Tavern – 15 K STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-114637 - **Ella Grace** – C - Tavern – 1421 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-098536 - **Soundcheck** – C - Nightclub – 1420 K STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-001273 - **Vegas Lounge** – C - Nightclub – 1415 P STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-111099 - **The Mirror** – C - Tavern – 1413 K STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109111 - **Karibbean Kitchen** – C - Tavern – 1400 MERIDIAN PLACE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-086419 - **Lou's Bar & Grill** – C - Tavern – 1400 IRVING STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-084711 - **Opera Ultra Lounge** – C - Nightclub – 1400 I STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-000939 - **Kellys Irish Times** – C - Tavern – 14 F STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110893 - **Kitsuen** – C - Tavern – 1362 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-110889 - **Brine** – C - Tavern – 1357 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-072777 - **Rock N Roll Hotel** – C - Tavern – 1353 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-075284 - **Sudhouse** – C - Tavern – 1346 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-099684 - **Left Door** – C - Tavern – 1345 S STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-060380 - **Twin Jazz** – C - Tavern – 1344 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104782 - **Hill Prince** – C - Tavern – 1337 H STREET, NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-090830 - **Gryphon DC, The** – C - Tavern – 1337 CONNECTICUT AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-105922 - **Vivid** – C - Tavern – 1334 U STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-102933 - **Proper 21** – C - Tavern – 1319 F STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-089950 - **A n D** – C - Tavern – 1314 9TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106995 - **The Crown and Crow** – C - Tavern – 1313 14TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-092990 - **Bidwell** – C - Tavern – 1309 5TH STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-104755 - **Cucina al Volo** – D - Tavern – 1309 5TH STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-116185 - **Laoban Dumplings** – C - Tavern – 1309 5TH STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-112100 - **Tokyo Pearl** – C - Tavern – 1301 CONNECTICUT AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094510 - **Lost and Found** – C - Tavern – 1240 9TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-073166 - **The Pug/Toki Underground** – C - Tavern – 1234 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-108602 - **Truth DC 78** – C - Tavern – 1220 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-072734 - **12 Twelve DC/ Kyss Kyss** – C - Tavern – 1212 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-094804 - **Takorean** – C - Tavern – 1212 4TH STREET SE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-021211 - **18th STREET Lounge** – C - Tavern – 1212 18TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-106554 - **POTOMAC Distilling Company** – C - Tavern – 1130 MAINE AVENUE SW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-079090 - **Little Miss Whiskey's Golden Dollar** – C - Tavern – 1104 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-076330 - **Jimmy Valentine's Lonely Hearts Club** – C - Tavern – 1103
BLADENSBURG ROAD NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-073443 - **The Commodore** – C - Tavern – 1100 P STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-084689 - **The Haymaker** – C - Tavern – 1015 H STREET NE
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109294 - **@ 1015** – C - Tavern – 1015 7TH STREET NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-076906 - **Living Room** – C - Tavern – 1010 VERMONT AVENUE NW
[Licensee Did Not Pay 2nd Year Payment.]

ABRA-109475 - **The Eleanor DC** – C - Tavern – 100 FLORIDA AVENUE NE
[Licensee Did Not Pay 2nd Year Payment.]

This notice supersedes notice N0097770 (67 DCR 11455) published in the DC Register on 10/2/2020, Volume 67/41.

**DC COMMISSION ON THE ARTS AND HUMANITIES
NOTICE OF FUNDING AVAILABILITY
CANCELLED
FY 2021 UPSTART Grant**

The following has been cancelled:

The DC Commission on the Arts and Humanities (CAH) announces the availability of its fiscal year 2021 capacity-building (UPSTART) grant program. Grants providing capacity-building support to established DC-based arts and humanities nonprofit organizations that face operational and infrastructural challenges, will be available during this cycle.

CAH's mission is to provide grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizational applicants must have a principal business office located in the District of Columbia and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. Evaluation of applications is based on the following criteria: 1) Technical Assistance Concerns; 2) Strength of Arts / Humanities Content and District Engagement; and 3) Organizational Readiness.

The Request for Applications (RFA) will be available electronically beginning Friday, October 9, 2020 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for receipt of completed applications is Friday, November 6, 2020. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.

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

For more information, please contact the following grant manager:

Benjamen Douglas (Benjamen.douglas@dc.gov)
DC Commission on the Arts and Humanities
200 I (Eye) St. SE
Washington, DC 20003

DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS
FISCAL YEAR 2021 MONTHLY MEETING SCHEDULE

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. Considering the public health crisis, the Board will meet remotely via Cisco Webex. A copy of the draft agenda and meeting log-in instructions will be posted on the agency's website. For further information, please contact Wynter Clarke at wynter.clarke@dc.gov. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Wednesday, November 18, 2020	11:00 AM	Virtual, via Webex

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds pursuant to the authority established by DHCF using funds provided by The Fiscal Year 2021 Local Budget Act of 2020. The Director of DHCF has authority to issue grants under the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code 7-771.05(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunities will be released under a separate announcement with guidelines for submitting the application, review criteria, and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for these grants is the date of award to September 30, 2021. The grant award is contingent upon available funding.

Descriptions of Opportunities:

Produce Prescription Program: One (1) grant of \$250,000 to make funds available to facilitate the design, development and implementation of a produce prescription program for the District's Medicaid and other public insurance program beneficiaries. The program will give health care providers the tools to better care for Medicaid patients diagnosed with a diet-related chronic illness such as diabetes, pre-diabetes, or hypertension.

Eligibility Requirements:

Applicants must have a demonstrated record of:

1. Collaborating with Managed Care Organizations, Medicaid providers, and grocery stores for the successful implementation of these programs.
2. Working within the District's health care system, and an understanding of how to integrate produce prescription programs within clinic workflows and grocery store systems.
3. Evaluating the impact of Food as Medicine interventions (particularly produce prescription programs) by integrating various data including health claims data, clinical data, purchase data, among others.

All applicants must also be registered organizations in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

A RFA will be released on or around November 6, 2020. The application package will be available online at <https://communityaffairs.dc.gov/content/community-grant-program> and the DHCF website (<https://dhcf.dc.gov/page/dhcf-grant-opportunities>).

DHCF will hold a pre-proposal conference on November 12, 2020 from 1:00 to 2:00 p.m. EST via Webex. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4p.m. Eastern Time on December 4, 2020. No applications will be accepted after the submission deadline. All eligible applications will be reviewed through a competitive process.

For additional information regarding this NOFA, please contact Erin Holve, Director, DHCF, Health Care Reform and Innovation at erin.holve@dc.gov.

DEPARTMENT OF HEALTH
NOTICE OF PUBLIC MEETING

Scientific Advisory Committee
Tuesday, October 27, 2020
6:00 p.m.
Draft Agenda

On Tuesday, October 27, 2020, the Department of Health will be hosting the next meeting of the Scientific Advisory Committee via Web-Based Conferencing (WebEx). The meeting will commence at 6:00 p.m. Any questions should be directed to Tanya Bethel at (202) 442-9398. Ms. Bethel can also be reached at Tanya.Bethel@dc.gov.

Welcome from Director

Inaugural Meeting Recap

Strategy to Assess District Residents Predispositions regarding an Eventual Vaccine

Vaccine Development Process Discussion

Open Member Discussion

Closing and Adjournment

**DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICER**

**NOTICE OF INTENT TO NOMINATE HISTORIC DISTRICTS
TO THE NATIONAL REGISTER OF HISTORIC PLACES**

The State Historic Preservation Officer hereby provides public notice of his intent to forward to the National Register of Historic Places an amendment to extend the historic district's period of significance to 1968 and to extend much of its western boundary to 19th Street NE. The Historic Preservation Review Board designated this area and the properties as an addition to the Kingman Park Historic District on September 24, 2020 after duly noticed public hearings.

Under the provisions of the Historic Protection Act (D.C. Code §6-1102(5)(c)), this amendment to the historic district designation become effective when the State Historic Preservation Officer nominates or issues a written determination to nominate the properties to the National Register of Historic Places. Thirty (30) days after the date of this notice, the properties will become subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 20-03
Amendment to the Kingman Park Historic District**

Affected Properties:

the entire Square 4526 (the northern half of which was already in the historic district);
the entire Square 4527 (the northern half of which was already in the historic district);
the entire Square 4549;
the entire Square 4550 (the eastern third of which was already in the historic district);
the entire Square 4558 (the northern three quarters of which was already in the historic district);
and the entire Square 4559, adding the addresses currently known as:

the 1900 and 2000 blocks of C Street NE, north side only;
the 1900 and 2000 blocks of D Street NE;
the 1900 and 2000 blocks of E Street NE;
the 300 and 400 blocks of 19th Street NE, east side only;
the 300 and 400 blocks of 20th Street NE; and
501-505 19th Street NE.

Listing in the D.C. Inventory of Historic Sites and the National Register of Historic Places provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

KINGSMAN ACADEMY PUBLIC CHARTER SCHOOL**NOTICE: INTENT TO ENTER SOLE-SOURCE CONTRACT**

Kingsman Academy Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 intends to enter into a sole source contract with Edmentum for an online learning system designed to help students who have been identified as at-risk of not graduating on time. This system is integral to ensure high-quality instruction for Kingsman Academy's overaged, under credited population.

School Overview

Kingsman Academy is an open-enrollment public charter school that serves approximately 300 students in grades 6 through 12 in a project-based academic program that emphasizes a therapeutic approach to personalized learning. Kingsman Academy welcomes all students, especially those who are over-aged and under-credited, who have attendance problems, or who have behavioral or emotional challenges.

- For further information regarding this notice, contact rfp@kingsmanacademy.org no later than **4:00 pm Monday, November 2, 2020**. No phone calls, please.

KINGSMAN ACADEMY PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

Kingsman Academy Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY20.21:

- Payroll and Human Resource Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Friday, November 13, 2020.**

Contact rfp@kingsmanacademy.org for a copy of the Scope of Work. Proposal submissions should be emailed to rfp@kingsmanacademy.org. No phone calls.

**THE NOT FOR PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING
LARUBY Z. MAY, BOARD CHAIR**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 12:00pm on Wednesday, October 28, 2020. Due to the Coronavirus pandemic, the meeting will be held via Webex.

Meeting link:

Meeting number: 132 033 2179 Password: N4Ym6APdmk5

<https://unitedmedicaldc.webex.com/unitedmedicaldc/j.php?MTID=m1fa4b236956ff0cbe15164ab85c49ab5>

Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

I. DETERMINATION OF A QUORUM

II. APPROVAL OF AGENDA

III. READING OF APPROVAL OF MINUTES

September 23, 2020

IV. CONSENT AGENDA

A. Chief Medical Officer

B. Dr. Marilyn McPherson-Corder, Medical of Staff

C. Dr. Jacqueline Payne-Borden, Chief Nursing Officer

V. EXECUTIVE MANAGEMENT REPORT

A. Colene Daniel, Chief Executive Officer

B. Brian Gradle, Chief Compliance Officer

VI. HUMAN RESOURCES REPORT

A. Trenell Bradley, Human Resources Director

VII. CORPORATE SECRETARY REPORT

A. Toya Carmichael, VP Public Relations/Corporate Secretary

VIII. NFPH COMMITTEE REPORTS

IX. PUBLIC COMMENTS

X. OTHER BUSINESS

A. Old Business

B. New Business

XI. ANNOUNCEMENTS

XII. ADJOURN

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2-575(b)(1)(2)(4A)(5),(9),(10),(11),(14).

**PAUL PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS**

Kitchen Renovations

Paul Public Charter School is currently seeking bids for:

- Minor Kitchen Renovations
- Heating and plumbing renovation in kitchen area
- Courtyard and Hallway renovations near kitchen area

Please email business-office@paulcharter.org. to make an appointment with the facilities manager for walk thru and additional details. Proposal submissions accepted thru Dec 31,2020.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS JURISDICTIONAL REVENUES**ASMT2021, ASSESSMENTS FOR FISCAL YEAR 2021,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980,” of the net reimbursable budgets for the Commission and the Office of the People’s Counsel for the District of Columbia (OPC) for Fiscal Year 2021 (FY 2021). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of each public utility, competitive electricity supplier, competitive natural gas supplier, and competitive local exchange carrier (CLEC) for the preceding calendar year, which is calendar year 2019.

2. The net reimbursable budget for the Commission for FY 2021 is \$16,932,365.39. The net reimbursable budget for OPC for FY 2021 is \$9,880,144.17.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, which is calendar year 2019, were \$1,791,889,493.09.

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF VIRTUAL MEETING**

The Commission meeting will be held on Tuesday, October 20, 2020 at 5:00 p.m. via Zoom. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://www.scdc.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Minutes from the September 15, 2020 Meeting - Action Item, Judge Lee, Chairman.
2. PDS Request to Table Proposals Related Title 16 Sentences – Informational Item, Judge Lee, Chairman.
3. MPD Arrest Data GRID Enhancement Project Demonstration – Informational Item, Barbara Tombs-Souvey, Executive Director and Habib Nasibdar, Chief Executive Officer, Mindcubed.
4. Quick Overview of Sentencing Guidelines Look Back Period (Lapse and Revival Issue), Informational, Judge Lee, Chairman and Barbara Tombs-Souvey, Executive Director.
5. Next Scheduled Meeting- November 17, 2020.
6. Adjourn.

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

Application No. 20214 of Jason Harris and Jenna Stark, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to permit a rear deck addition to an existing, attached principal dwelling unit in the R-3 Zone at premises 2211 38th Street, N.W. (Square 1301, Lot 659)

HEARING DATES: March 4, 2020, April 1, 2020, and July 29, 2020¹
DECISION DATES: August 5, 2020² and September 23, 2020

SUMMARY ORDER

Relief Requested. The application, as originally filed, was accompanied by a memorandum from the Zoning Administrator (“ZA”), certifying the required relief. (Exhibit 3 – ZA Memorandum.) However, due to a change in the dimension of the relief requested and the length of the proposed deck, the Applicant clarified the application and self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 87A – Self-Certification Form.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicants, Advisory Neighborhood Commission ("ANC") 3B, the Gillespies – residents at 2213 38th Street, N.W., and the Burkes - residents at 2209 38th Street, N.W.³

ANC Reports. The ANC filed three reports in the application, each superseding the other.

¹ This application was originally scheduled for Public Hearing on March 4, 2020. The Board postponed the hearing to April 1, 2020; however, this date was rescheduled for a Virtual Public Hearing on July 29, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the Virtual Public Hearing was provided to the parties and to the property owners within 200 feet of the subject property.

² On August 5, 2020, the Board reopened the record and rescheduled its decision to the Virtual Public Meeting on September 23, 2020.

³ The Gillespies and Burkes originally requested party status in opposition to the application, but later withdrew their opposition after reaching an agreement with the Applicants, and upon subsequent amendment of the plans. (See Removal of Opposition Letter - Exhibit 82D.)

March 13, 2020 Report: The ANC indicated that at a regularly scheduled, properly noticed public meeting on March 12, 2020, at which a quorum was present, the ANC voted to support the neighbors in their objections to the application. (Exhibit 45.)

July 9, 2020 Report: ANC 3B amended its letter of March 13, 2020, and stated that at a duly noticed public meeting on June 11, 2020, the ANC reiterated its support for the neighbors' objections to the application. (Exhibit 52.)

September 14, 2020 Report: ANC 3B noted its policy of supporting zoning exceptions when those exceptions are supported by immediate neighbors. The ANC stated that it has been notified by all parties involved in the application that "they have reached an understanding and now all support the newly-revise special exception application." ANC 3B stated that at a duly noticed public meeting on September 10, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 84.)

OP Reports. The Office of Planning submitted two reports recommending approval of the application. (Exhibit 44; Exhibit 56 (Supplemental Report).)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 30.)

Persons in Support. The Gillespies filed a letter in support of the application on the condition that the construction occur within the boundaries of the subject property. (Exhibit 29.)

Persons in Opposition. Letters and comments were filed in opposition to the application. (Exhibits 33, 60, 67, 69, and 70.)

The Applicants seek relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to permit a rear deck addition to an existing, attached principal dwelling unit in the R-3 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicants have met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there is no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y

BZA APPLICATION NO. 20214

PAGE NO. 2

§ 604.10, subject to the **APPROVED PLANS⁴ at EXHIBITS 82A, 82B, and 82C – 9 FT. PLANS, PRIVACY SCREEN MATERIALS, AND REVISED ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Robert E. Miller to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: October 13, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL

⁴ Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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. 20279 of HJB Properties LLC, pursuant to 11 DCMR Subtitle X, Chapter for a special exception under the RF-use requirements of Subtitle U § 320.2, including a waiver of the rear addition requirement of Subtitle U § 320.2(e), to construct a third story addition and a three-story rear addition and convert an existing attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 1121 Morse Street, N.E. (Square 4070, Lot 138).¹

HEARING DATE: September 30, 2020

DECISION DATE: September 20, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 11, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibits 42, 42A.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 18.)

Persons in Support. Four letters were submitted in support of the application (Exhibits 15, 16, 17, and 34.)

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the RF-use requirements of Subtitle U § 320.2, including a waiver of the rear addition requirement of

¹ The Board granted the Applicant's Motion to Waive the One-Year Waiting Period for Refiling. (See Exhibit 13.)

Subtitle U § 320.2(e), to construct a third story addition and a three-story rear addition, and convert an existing attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 19B – REVISED ARCHITECTURAL PLANS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Michael G. Turnbull to APPROVE; one Board seat vacant).

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

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

FINAL DATE OF ORDER: October 13, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

² Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

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

Application No. 20309 of David D. Do, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to add a second-story rear deck addition to an existing attached flat in the RF-1 Zone at premises 41 Quincy Place, N.W. (Square 3101, Lot 93).

HEARING DATE: Applicant waived the right to a public hearing
DECISION DATE: September 30, 2020 (Expedited Review Calendar)

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 23 (Final Revised); Exhibit 18 (Updated); Exhibit 14 (Revised); Exhibit 2 (Original).)

Expedited Review. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "Board" or "BZA") expedited review calendar for decision as a result of the applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do under Subtitle Y §§ 401.7 and 401.8.

Notice of the Application and Public Meeting. The Board referred the application to the appropriate agencies and provided proper and timely notice of the public meeting in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 16, 2020, which a quorum was present, the ANC voted to support the application. (Exhibit 25.)

OP Report. The Office of Planning submitted a report, dated September 18, 2020, recommending approval of the application. (Exhibit 41.)

DDOT Report. The District Department of Transportation submitted a report, dated September 18, 2020, indicating that it had no objection to the application. (Exhibit 44.)

Persons in Support. The Board received two letters from neighbors in support of the application. (Exhibits 20 and 21.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to add a second-story rear deck addition to an existing attached flat in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED REVISED PLANS¹** at **EXHIBIT 24 – UPDATED ARCHITECTURAL PLANS & ELEVATIONS**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Michael G. Turnbull to APPROVE: one Board seat vacant.)

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

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

FINAL DATE OF ORDER: October 13, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

¹Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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

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

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, NOVEMBER 18, 2020
VIRTUAL HEARING via WebEx**

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

TIME: 9:30 A.M.

FOR EXPEDITED REVIEW

WARD THREE

20343 **Application of Cara Cook**, pursuant to 11 DCMR Subtitle X, Chapter 9,
ANC 3G for special exceptions under Subtitle D § 5201 from the rear yard
 requirements of Subtitle D § 306.1, to construct a second story rear
 addition to an existing detached principal dwelling unit in the R-1-A Zone
 at premises 2628 Moreland Place, N.W. (Square 2307, Lot 12).

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.

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

Do you need assistance to participate?

Amharic

BZA PUBLIC MEETING NOTICE

NOVEMBER 18, 2020

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ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系,电话号码 (202) 727-0312, 电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

BZA PUBLIC MEETING NOTICE

NOVEMBER 18, 2020

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**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
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**

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