

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Resolution 23-552, Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Declaration Resolution of 2020
- D.C. Council passes Resolution 23-565, Washington Metropolitan Area Transit Authority Fiscal Year 2021 to 2026 Dedicated Funding Grant Agreement Emergency Approval Resolution of 2020
- D.C. Council schedules a public hearing to discuss Bill 23-985, Unemployment Benefits Extension Amendment Act of 2020
- D.C. Council schedules a public oversight roundtable on the “Department of General Services Sustainability and Energy Management Division”
- D.C. Council schedules a public roundtable on the “District Department of Transportation Slow Streets Initiative”
- Office of the Deputy Mayor for Education announces funding availability for the Summer Strong DC 2021 Grants
- Department of Housing and Community Development increases the maximum assistance amount for the Home Purchase Assistance Program (HPAP)
- Department of Human Services solicits public comment on the Community Services Block Grant State Plan for Fiscal Years 2021 and 2022
- District Department of Transportation establishes rules for increasing the fleet size for dockless vehicle companies operating with public permits
- University of the District of Columbia updates student health insurance fees

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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MURIEL E. BOWSER
MAYOR

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ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

RESOLUTIONS

Res 23-552 Protecting Businesses and Workers from
COVID-19 Congressional Review Emergency
Declaration Resolution of 2020.....012612 - 012613

Res 23-556 Alcoholic Beverage Regulations Technical
Amendments Approval Resolution of 2020 012614

Res 23-557 Revised ABRA Civil Penalty Schedule
Approval Resolution of 2020 012615

Res 23-558 Local Rent Supplement Program Contract No.
2019-LRSP-04A Approval Resolution of 2020 012616

Res 23-559 Modifications to Exercise Option Year Four of
Contract No. CW46185 with Ramsell Corporation
Approval and Payment Authorization Emergency
Declaration Resolution of 2020.....012617 - 012618

Res 23-560 Contract No. DCAM-20-AE-0008 with Shinberg
Levinas Architectural Design, Inc. Approval and
Payment Authorization Emergency Declaration
Resolution of 2020012619 - 012620

Res 23-561 CleanEnergy DC Omnibus Technical Amendment
Emergency Declaration Resolution of 2020012621 - 012622

Res 23-562 Common Interest Community Virtual Meeting
Emergency Declaration Resolution of 2020012623 - 012624

Res 23-563 Unemployment Benefits Extension Emergency
Declaration Resolution of 2020.....012625 - 012626

Res 23-564 Washington Metropolitan Area Transit Authority
Fiscal Year 2021 to 2026 Dedicated Funding Grant
Agreement Emergency Declaration Resolution of 2020..... 012627

Res 23-565 Washington Metropolitan Area Transit Authority
Fiscal Year 2021 to 2026 Dedicated Funding Grant
Agreement Emergency Approval Resolution of 2020 012628

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bills B23-0985 through B23-0988 and Proposed Resolution
PR23-1000.....012629 - 012630

COUNCIL HEARINGS

Notice of Public Hearings -

B23-0873 Rent Stabilization Program Reform and
Expansion Amendment Act of 2020
(Reconvened).....012631 - 012632
B23-0972 Hardship Petition Reform Amendment
Act of 2020 (Reconvened).....012631 - 012632
B23-985 Unemployment Benefits Extension Amendment
Act of 2020012633 - 012634

Notice of Public Oversight Roundtable -

Department of General Services Sustainability and
Energy Management Division (Revised)012635 - 012636

Notice of Public Roundtables -

District Department of Transportation Slow Streets Initiative.....012637 - 012638
PR23-0917 Housing Production Trust Fund Board Chapman
Todd Confirmation Resolution of 2020.....012639 - 012640
PR23-0924 The Rental Housing Commission Lisa M. Gregory
Confirmation Resolution of 2020012639 - 012640
PR23-0983 District of Columbia Housing Finance Agency
Board of Directors Stephen Green Confirmation
Resolution of 2020.....012639 - 012640
PR23-0937 Chief of the Fire and Emergency Medical
Services Department John Donnelly
Confirmation Resolution of 2020012641 - 012642
PR23-0990 Sense of the Council to Declare Racism a
Public Health Crisis in the District of Columbia
Resolution of 2020.....012643 - 012644

OTHER COUNCIL ACTIONS

Notice of Grant Budget Modifications -

GBM 23-107 FY 2020 Grant Budget Modifications
as of October 6, 2020..... 012645
GBM 23-108 FY 2020 Grant Budget Modifications
as of October 21, 2020..... 012645

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Notice of Grant Budget Modifications - cont'd

GBM 23-109 FY 2020 Grant Budget Modifications as of October 9, 2020..... 012645

GBM 23-110 FY 2020 Grant Budget Modifications as of October 14, 2020..... 012645

Notice of Reprogramming Requests -

23-127 Request to reprogram \$5,712,928.33 of Fiscal Year 2020 local operating funds within the Department of General Services.....012646 - 012649

23-128 Request to reprogram \$675,000.00 of Fiscal Year 2020 Local funds from the Settlement and Judgements Fund (ZH0) to the Office of Contracting and Procurement.....012646 - 012649

23-129 Request to reprogram \$43,000,000 of Fiscal Year 2020 Local Fund 0100 from the Workforce Investment Fund in the amount of \$12,701,345; Department of Health Care Finance in the amount of \$28,298,655; and Repayment of Interest on Short-Term Borrowing in the amount of \$2,000,000 to the Emergency Planning and Security Fund012646 - 012649

23-130 Request to reprogram \$185,883.68 of Fiscal Year 2020 local operating funds within the Department of General Services.....012646 - 012649

23-131 Request to reprogram \$45,000,000 of Fiscal Year 2020 Enterprise & Other Fund 0622 budget authority from the Department of Employment Services, Paid Family Leave program to the Unemployment Trust Fund Enterprise Fund 6226012646 - 012649

23-132 Request to reprogram \$784,000 of Fiscal Year 2020 O-Type funds within the Public Service Commission.....012646 - 012649

23-133 Request to reprogram \$1,159,777.36 of Fiscal Year 2020 Local Fund budget authority within the Department of Housing & Community Development012646 - 012649

23-134 Request to reprogram \$500,000 of Fiscal Year 2020 local budget authority from the Department of Employment Services to the DC Unemployment Compensation Fund.....012646 - 012649

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Notice of Reprogramming Requests - cont'd

- 23-135 Request to reprogram \$853,698 of Fiscal Year 2020 local budget authority within the Office of the Chief Financial Officer.....012646 - 012649
- 23-136 Request to reprogram \$933,650 of Fiscal Year 2020 Local funds within the Department of Energy and Environment.....012646 - 012649
- 23-137 Request to reprogram \$2,200,000 of Fiscal Year 2020 Special Purpose Revenue Funds (0600) from the Office of the Chief Financial Officer (AT0) to the University of the District of Columbia (GF0)012646 - 012649
- 23-138 Request to reprogram \$1,131,535 of Fiscal Year 2021 Local Funds within the Office of Neighborhood Safety and Engagement appropriated budget authority012646 - 012649
- 23-139 Request to reprogram \$352,524.94 of OCME’s Fiscal Year 2021 local operation budget to OCME’s Capital PAYGO.....012646 - 012649
- 23-140 Request to reprogram \$17,659,096.34 from various agencies within Public Safety and Justice Cluster in the amount of \$5,659,096.34; Settlements and Judgements in the amount of \$10,000,000; and Child and Family Services in the amount of \$500,000.00; Department of Youth and Rehabilitation Services in the amount of \$200,000.00; Department of Parks and Recreation in the amount of \$500,000.00; Department of Disability Services in the amount of \$800,000.00; going to the Fire and Emergency Medical Services Department in the amount \$17,409,096.34 and the Department of Forensic Sciences in the amount of \$250,000.00012646 - 012649
- 23-141 Request to reprogram \$43,000,000 of Fiscal Year 2020 Local Fund 0100 from the Workforce Investment Fund in the amount of \$12,701,345; Department of Health Care Finance in the amount of \$28,298,655; and Child and Family Services in the amount of \$2,000,000 going to the Emergency Planning and Security Fund012646 - 012649

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

A & S Grocery - ANC 7C - Class Change	012650
Class B Renewals for October 30, 2020	012651 - 012662
Glassey - ANC 5E - New	012663
Jamerica - ANC 5C - New	012664

Zoning Adjustment, Board of - December 9, 2020 - Virtual Hearing via WebEx

20325 Ethan Landis - ANC 1B	012665 - 012668
20326 Spence Allin - ANC 1B.....	012665 - 012668
20327 1214 Fairmont ST NW LLC - ANC 1B.....	012665 - 012668
20328 Madison Heights LLC - ANC 4C	012665 - 012668
20329 Ekop I Graham - ANC 7C.....	012665 - 012668
20330 5608 Broad LLC - ANC 3G.....	012665 - 012668
20333 Matthew Pickner - ANC 6C	012665 - 012668

Zoning Adjustment, Board of - December 16, 2020 - Virtual Hearing via WebEx

20331 Magdalena Acevedo nee Przytulski - ANC 4C	012669 - 012672
20332 SCHF VEG LLC- ANC 2A	012669 - 012672
20335 Jeffrey Wagener - ANC 6B.....	012669 - 012672
20336 1447 Maryland LLC - ANC 6A	012669 - 012672
20337 Ayanna C. Kelley - ANC 4C.....	012669 - 012672
20338 Glennorth Investments LLC - ANC 5D	012669 - 012672
20339 Lee Street Development LLC - ANC 7D.....	012669 - 012672
20376 210 Varnum Street NW, LLC - ANC 4C.....	012669 - 012672

Zoning Adjustment, Board of - December 23, 2020 - Virtual Hearing via WebEx

20340 Arthur Melzer and Shikha Dalmia - ANC 6A.....	012673 - 012676
20341 4527 Georgia Ave LLC - ANC 5B	012673 - 012676
20342 Peggy C. Kennedy - ANC 4C	012673 - 012676
20346 John B. Gogos - ANC 1B.....	012673 - 012676
20347 John B. Gogos - ANC 1B.....	012673 - 012676
20352 Charles Okunubi - ANC 1A	012673 - 012676
20364 Jonathan Fellows - ANC 3D	012673 - 012676
20368 KD’s Klubhouse - ANC 8E.....	012673 - 012676

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

Housing and Community Development, Department of -
 Amend 14 DCMR (Housing),
 Ch. 25 (Home Purchase Assistance Program (HPAP)),
 Sec. 2503 (Amount of Financial Assistance),
 Sec. 2504 (Determination of Monthly Principal Payment),
 Sec. 2505 (Types of Loans: Principal Only, Insecured,
 Deferred Payment), and
 Sec. 2508 (Terms of Loans), to implement the Home Purchase
 Assistance Program Amendment Act of 2016 by increasing
 maximum assistance under HPAP to \$80,000 and implementing
 deferment of repayment on HPAP loans to very low-income and
 low-income borrowers012677 - 012678

Motor Vehicles, Department of -
 Amend 18 (Vehicles and Traffic),
 Ch. 30 (Adjudication and Enforcement),
 Sec. 3002 (Issuance of Parking Violations Only),
 Sec. 3006 (Answers to Notices of Infraction), and
 Sec. 3008 (Requests for Hearings), to update and
 clarify the pre-hearing process by eliminating the
 reference to using the back of the Notice of Infraction
 as a form for answering the alleged violation as well as
 update the regulations to conform with applicable statutes012679

Transportation, District Department of -
 Amend 24 DCMR (Public Space and Safety),
 Ch. 33 (Public Right-of-Way Occupancy Permits),
 Sec. 3314 (Dockless Sharing Vehicle), to establish
 the threshold metrics that dockless vehicle operating
 companies with public permits must meet to be offered
 a fleet increase, as well as the regularity of such increases
 so that essential trips can be made, specifically for
 low-income rider access and use012680 - 012686

University of the District of Columbia -
 Amend 8 DCMR (Higher Education),
 Subtitle B (University of the District of Columbia),
 Ch. 2 (Administration and Management),
 Sec. 200 (The President of the University), to allow
 the Chief Academic Officer to immediately become
 Interim President, unless the Board of Trustees makes a
 different appointment, in the event of a Presidential vacancy.....012687

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

University of the District of Columbia -
 Amend 8 DCMR (Higher Education),
 Subtitle B (University of the District of Columbia),
 Ch. 7 (Admissions and Academic Standards),
 Sec. 728 (Tuition and Fees: Degree-Granting Programs),
 to revise Subsection 728.9 of the student health insurance
 fees the University charges students 012688

University of the District of Columbia -
 Amend 8 DCMR (Higher Education),
 Subtitle B (University of the District of Columbia),
 Ch. 7 (Admissions and Academic Standards),
 Sec. 728 (Tuition and Fees: Degree-Granting Programs),
 to add Subsection 728.13 to consolidate a wide range of
 fees assessed uniformly to all enrolled students in the
 University and the Law School 012689

Zoning Commission, DC - Z.C. Case No. 19-13
 Amend 11 DCMR (Zoning Regulations of 2016),
 Subtitle B (Definitions, Rules of Measurement, and Use Categories),
 Ch. 1 (Definitions), Sec. 100 (Definitions),
 Ch. 3 (General Rules of Measurement),
 Sec. 307 (Rules of Measurement for Building Height:
 Non-Residential Zones),
 Sec. 308 (Rules of Measurement for Building Height:
 Residential Zones as Defined in Subtitle A § 101.9).....012690 - 012706

Subtitle C (General Rules),
 Ch. 3 (Subdivision),
 Sec. 302 (Subdivision Regulations),
 Sec. 303 (Lot Frontage), to add
 Sec. 306 (New Alley Record Lots),
 Ch. 7 (Vehicle Parking), Sec. 711 (Access Requirements).....012690 - 012706

Subtitle D (Residential House (R) Zones),
 Ch. 51 (Alley Lot Regulations for R Zones) is renamed
 Ch. 51 (Alley Lot Regulations (R)),
 Sec. 5100 (General Provisions),
 Sections 5101 - 5107 are deleted.....012690 - 012706

Subtitle E (Residential Flat (RF) Zones),
 Ch. 51 (Alley Lot Regulations), is renamed
 Ch. 51 (Alley Lot Regulations (RF))
 Sec. 5100 (General Provisions),
 Sections 5101 - 5107 are deleted..... 012690 - 012706

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Zoning Commission, DC - Z.C. Case No. 19-13 cont'd
 Amend 11 DCMR (Zoning Regulations of 2016), cont'd

- Subtitle F (Residential Apartment (RA) Zones),
 - Ch. 51 (Alley Lot Regulations (RA)),
 - Sec. 5100 (General Provisions),
 - Sections 5101 - 5106 are deleted.....012690 - 012706

- Subtitle G (Mixed-Use (MU) Zones),
 - Ch. 11 (Alley Lot Regulations for MU Zones), is renamed
 - Ch. 11 (Alley Lot Regulations (MU)),
 - Sec. 1100 (General Provisions),
 - Sections 1101 - 1106 are deleted.....012690 - 012706

- Subtitle I (Downtown (D) Zones),
 - Ch. 2 (General Development Standards for Downtown (D) Zones),
 - Sec. 210 (Alley Lots).....012690 - 012706

- Subtitle J (Production, Distribution, and Repair (PDR) Zones),
 - Ch. 3 (Alley Lots Regulations) is renamed
 - Ch. 3 (Alley Lot Regulations (PDR)),
 - Sec. 300 (General Provisions),
 - Sec. 301 (Development Regulations for Buildings
 on Alley Lots) is deleted012690 - 012706

- Subtitle U (Use Permissions),
 - Ch. 6 (Use Permissions for Alley Lot) is renamed
 - Ch. 6 (Use Permissions for Alley Lots),
 - Sec. 600 (Matter-of-Right Uses on Alley Lots (R, RF, and RA)),
 - Sec. 601 (Special Exception Uses on Alley Lots (R, RF, and RA)).....012690 - 012706

- to clarify the application of the requirements for alley lots..... 012690 - 012706

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Zoning Commission, DC - Z.C. Case No. 20-11
 Amend 11 DCMR (Zoning Regulations of 2016),
 Subtitle Y (Board of Zoning Adjustment Rules of Practice and Procedure),
 Ch. 1 (Administration),
 Sec. 103 (Meetings and Hearings),
 Ch. 2 (Public Participation),
 Sec. 206 (Submitting Comments or Filing Documents
 Electronically or by E-mail),
 Ch. 4 (Pre-Hearing and Hearing Procedures: Applications),
 Sec. 401 (Expedited Review) 012707 - 012720

Subtitle Z (Zoning Commission Rules of Practice and Procedure),
 Ch. 1 (Administration),
 Sec. 103 (Meetings and Hearings),
 Ch. 2 (Public Participation),
 Sec. 206 (Submitting Comments or Filing Documents
 Electronically or by E-mail) 012707 - 012720

to clarify the procedural rules for virtual public hearings and
 meetings due to the suspension of in-person public hearings
 and meetings caused by the ongoing COVID-19 pandemic and
 resulting modifications of District government operations 012707 - 012720

PROPOSED RULEMAKING

University of the District of Columbia -
 Amend 8 DCMR (Higher Education),
 Subtitle B (University of the District of Columbia),
 Ch. 1 (Board of Trustees),
 Sec. 110 (Committees of the Board of Trustees),
 Ch. 2 (Administration and Management),
 Sec. 211 (Executive Appointments: Non-Academic Administrators),
 Sec. 212 (Executive Appointments: Academic Administrators),
 to add additional functions to the “Academic and Student Affairs
 Committee” and to the position of “Chief Academic Officer,” and
 to eliminate the “Community College Committee” and the position
 of “Chief Community College Officer”012721 - 012723

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY RULEMAKING

Alcoholic Beverage Regulation Administration -
 Amend 23 DCMR (Alcoholic Beverages),
 Ch. 8 (Enforcement, Infractions, and Penalties),
 to add Sec. 810 (Conditions of On-Premises Alcohol
 Sales and Consumption during the Public Emergency),
 to modify the conditions under which licensees may sell,
 serve and allow the consumption of beer, wine, or spirits
 indoors or outdoors during the public emergency; Seventh
 Emergency Rulemaking supersedes Sixth Emergency
 Rulemaking published on September 18, 2020 at
 67 DCR 11139, to ensure that the revised rules comport
 with several provisions of the Fiscal Year 2021 Budget
 Support Emergency Act of 2020 012724 - 012729

Alcoholic Beverage Regulation Administration -
 Amend 23 DCMR (Alcoholic Beverages),
 Ch. 10 (Endorsements), to add
 Sec. 1007 (Additional Outdoor Seating on Public and Private Space),
 to allow on-premises retailer’s licenses and manufacturer licenses,
 class A or B, holding an on-site sales and consumption permit, or
 a Convention Center food and alcohol business to register with the
 Board to sell, serve, and allow the consumption of alcoholic
 beverages on new or expanded outdoor public and private space
 not listed on its license; Fourth Emergency Rulemaking supersedes
 Third Emergency Rulemaking published on September 25, 2020
 at 67 DCR 11259, to ensure that the revised rules comport with
 several provisions of the Fiscal Year 2021 Budget Support
 Emergency Act of 2020 012730 - 012734

EMERGENCY AND PROPOSED RULEMAKING

Transportation, District Department of -
 Amend 18 DCMR (Vehicles and Traffic),
 Ch. 22 (Moving Violations),
 Sec. 2200 (Speed Restrictions),
 Sec. 2217 (Closed Streets, Local Access Streets, Play Streets,
 Bus Lanes, and Bus Restricted Streets),
 Ch. 23 (Pedestrians),
 Sec. 2305 (Walking and Standing on Sidewalks and Roadways), and
 Ch. 99 (Definitions), Sec. 9901 (Definitions), to help achieve the goal
 of zero fatalities and serious injuries to travelers of the District’s
 transportation system, to improve the safety and efficiency of existing
 and future bus-priority lanes, and to permit the use of roadways for
 the purposes of social distancing and recreation on local-access roads..... 012735 - 012739

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS
MAYOR’S ORDERS**

2020-108 Reappointments and Appointments – Commission on
Re-Entry and Returning Citizen Affairs (Clarence Johnson,
Corwin Knight, Olivia Elder, Dominic Henry, and
Taurus Phillips)012740 - 012741

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Administrative Hearings, Office of -
Solicitation of Comments for the Reappointment of
Administrative Law Judge Elizabeth Figueroa..... 012742 - 012743

Solicitation of Comments for the Reappointment of
Administrative Law Judge Samuel McClendon 012744 - 012745

Arts and Humanities, Commission on the -
FY 2021 Meeting Schedule012746

Cesar Chavez Public Charter School -
Request for Proposals -
Roofing Services012747
Solar Panel Removal and Installation Services012748

Criminal Code Reform Commission, D.C. -
Notice of Appointment to Social Scientist Position -
Margarita Bronshteyn..... 012749

Notice of Public Meeting - November 4, 2020 012750

Education, Office of the Deputy Mayor for -
Office of Out of School Time Grants and Youth Outcomes -
Notice of Funding Availability - Summer Strong DC 2021 Grants..... 012751

Uniform Per Student Funding Formula
Working Group Meeting - November 5, 2020 012752

Friendship Public Charter School -
Request for Proposals - Branded, Personalized and
Promotional Goods and Related Services 012753

Health Care Finance, Department of -
Department of Health Care Finance Pharmacy and
Therapeutics Committee Meeting - December 3, 2020 012754

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Human Services, Department of -
 Notice of Community Services Block Grant (CSBG)
 State Plan for Public Inspection, Review, and Comment
 for Fiscal Years 2021 and 2022 012755

KIPP DC Public Charter Schools -
 Request for Proposals - Scrub Jackets and Troffers -
 Electrical Installation Services 012756

Paul Public Charter School -
 Request for Proposals - Grounds Improvements 012757

Public Charter School Board, DC -
 Notification of Charter Amendment -
 Digital Pioneers Academy Public Charter School -
 Grade Expansion and Enrollment Ceiling Increase 012758

Secretary, Office of the -
 Recommendations for Appointments as DC Notaries Public -
 Effective December 1, 2020 012759 - 012770

Water and Sewer Authority, DC -
 Governance Committee Meeting - November 10, 2020 012771
 Human Resources and Labor Relations Committee Meeting -
 November 10, 2020 012772

Zoning Adjustment, Board of - Cases -
 19739-A Ben SaFran & Margot Locker - ANC 2B - Order 012773 - 012774
 20267 Frank Jackson - ANC 5A - Order 012775 - 012777
 20277 Gary & Lauren Hudson - ANC 2A - Order 012778 - 012780
 20278 Dylan Hanson - ANC 5C - Order 012781 - 012783
 20283 Keena Trapps - ANC 4D - Order 012784 - 012786
 20291 2100 M Street Property Owner LLC - ANC 2A - Order 012787 - 012792
 20294 Mark Herzog - ANC 3E - Order 012793 - 012795

Zoning Adjustment, Board of - December 9, 2020 - Public Virtual Meeting Notice
 20357 Nicholas S. Ingwersen & Stephanie L. Rogers - ANC 3F 012796 - 012798

Zoning Commission - Cases -
 08-34K Capitol Crossing IV LLC - Order 012799 - 012807
 13-05D Forest City Washington - Order 012808 - 012813
 15-27B Carr Properties OC, LLC - Order No. 15-27B(1) 012814 - 012823

ENROLLED ORIGINAL

A RESOLUTION

23-552

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to require employers to adopt and implement social distancing policies that adhere to Mayor's Order 2020-080 or subsequent Mayor's Order, to prohibit retaliation against an employee who refuses to work with or serve an individual who refuses to comply with Mayor's Order 2020-080, to prohibit retaliation against employees because the employee tests positive for or is quarantining because of COVID-19, or is caring for someone who has symptoms of or is quarantining because of COVID-19, and to prohibit retaliation against an employee who attempts to exercise any right or protection under Title I of this act or to stop or prevent a violation of the worker safety provisions of Title I of this act, to authorize the Mayor and Attorney General to administer and enforce workplace and employee protections in Title I of this act, to authorize the Attorney General to bring civil actions in a court of competent jurisdiction, to authorize the Chief Procurement Officer to enter into an indefinite duration/indefinite quantity contract to assist eligible businesses in the purchase of personal protective equipment and other supplies related to the containment of COVID-19, to permit federal laws, polices, and standards or a Mayor's Order that contains stricter personal protective equipment standards to preempt the terms of Title I of this act; to amend the District of Columbia Public Emergency Act of 1980 to authorize the Mayor to extend the public health emergency through December 31, 2020; and to amend the Small and Certified Business Enterprise Act of 2005 to authorize the Mayor to issue grants for small businesses to purchase or receive reimbursements for the purchase of personal protective equipment for their employees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On July 28, 2020, the Council passed the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020, effective August 13,

ENROLLED ORIGINAL

2020 (D.C. Act 23-384; 67 DCR 9870) (“emergency Act”), which is set to expire on November 10, 2020. The emergency Act created important COVID-19-related workers’ rights, including protections against retaliation if workers act to protect their safety and health, and enforcement mechanisms; and the Act authorized additional resources for businesses to purchase personal protective equipment during the COVID-19 public health emergency.

(b) On September 22, 2020, the Council passed the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020, passed on 2nd reading on September 22, 2020 (Enrolled version of Bill 23-871) (“temporary legislation”), which the Council expects the Mayor to sign.

(c) To prevent a gap in the law between the expiration of the emergency Act and the effective date of the temporary legislation, it is necessary to approve congressional review emergency legislation.

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 Protecting Businesses and Workers from COVID-19 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

23-556

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To approve proposed rules to make technical amendments to Title 23 of the District of Columbia Municipal Regulations to conform the regulations to changes contained in the Omnibus Alcoholic Beverage Regulation Amendment Act of 2018, and other administrative changes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Regulations Technical Amendments Approval Resolution of 2020”.

Sec. 2. Pursuant to D.C. Official Code § 25-211(b)(2), the Mayor transmitted to the Council proposed rules of the Alcoholic Beverage Control Board that make technical amendments to Title 23 of the District of Columbia Municipal Regulations to conform to changes contained in the Omnibus Alcoholic Beverage Regulation Amendment Act of 2018 effective October 30, 2018 (D.C. Law 22-165; 65 DCR 9366), and other administrative and technical changes. The Council approves the proposed rules published in the District of Columbia Register on November 29, 2019 (66 DCR 15729).

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-557

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To approve proposed rules of the Alcoholic Beverage Control Board that amend the Alcoholic Beverage Regulation Administration civil penalty schedule.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Revised ABRA Civil Penalty Schedule Approval Resolution of 2020”.

Sec. 2. Pursuant to D.C. Official Code § 25-830(f), the Mayor transmitted to the Council proposed rules of the Alcoholic Beverage Control Board to amend the Alcoholic Beverage Regulation Administration civil penalty schedule to include new infractions and penalties, delete duplicative infractions, and to clarify descriptions of certain infractions. The Council approves the proposed rules, published at 66 DCR 14905, to amend section 800 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

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).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-558

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2019-LRSP-04A with 218 Vine Street NW Residential PJV- Phase 2, LLC for program units at 218 Vine Street Apartments, located at 218 Vine Street, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2019-LRSP-04A Approval Resolution of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code 2-352.02), the Council approves Contract No. 2019-LRSP-04A, a long-term subsidy contract with 218 Vine Street NW Residential PJV — Phase 2, LLC to provide an operating subsidy in support of 24 affordable housing units in a not-to-exceed amount of \$700,416 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-559

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 13, 14, 15, 16, and 17 to Contract No. CW46185 with Ramsell Corporation to provide a secure, web-accessible platform that integrates core AIDS Drug Assistance Program (“ADAP”) pharmacy benefit managers, 340B inventory management, and insurance premium and co-pay management for both ADAP and the District-funded pre-exposure prophylaxis medication assistance programs, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Exercise Option Year Four of Contract No. CW46185 with Ramsell Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 13, 14, 15, 16, and 17 to Contract No. CW46185 with Ramsell Corporation to provide a secure, web-accessible platform that integrates core AIDS Drug Assistance Program (“ADAP”) pharmacy benefit managers, 340B inventory management, and insurance premium and co-pay management for both ADAP and the District-funded pre-exposure prophylaxis medication assistance programs and to authorize payment for the goods and services received and to be received under Modification Nos. 13, 14, 15, 16, and 17.

(b) By Modification No. 13, dated August 1, 2020, the Office of Contracting and Procurement, on behalf of the Department of Health, exercised partial Option Year 4 of Contract No. CW46185 with Ramsell Corporation for the period from August 1, 2020, through September 30, 2020, in the amount of \$990,000.

(c) By Modification No. 14, dated August 11, 2020, the Office of Contracting and Procurement, on behalf of the Department of Health, exercised a partial Option Year 4 of Contract No. CW46185 for the period from October 1, 2020, through October 15, 2020, at no cost to the District.

(d) Modification Nos. 15 and 16 were administrative modifications that added no money.

ENROLLED ORIGINAL

(e) Modification No. 17 is now necessary to exercise the remainder of Option Year 4 of Contract No. CW46185 with Ramsell Corporation in the amount of \$6,810,000, bringing the total amount for the period from August 1, 2020, through July 31, 2021 to \$7,800,000.

(f) Council approval is required pursuant to section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), as these modifications increase the contract to one of more than \$1,000,000 during a 12-month period.

(g) Council approval is necessary to allow the continuation of these vital services. Without this approval, Ramsell Corporation cannot be paid for goods and services provided in excess of \$1,000,000 for the contract period from August 1, 2020, through July 31, 2021.

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 Modifications to Exercise Option Year Four of Contract No. CW46185 with Ramsell 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

23-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-20-AE-0008 between the Department of General Services and Shinberg Levinas Architectural Design, Inc., and to authorize payment to Shinberg Levinas Architectural Design, Inc. 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-0008 with Shinberg Levinas Architectural Design, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-20-AE-0008 (“Contract”) between the Department of General Services (“Department”) and Shinberg Levinas Architectural Design, Inc. (“Contractor”) for Architectural/Engineering Services for School-within-School at Goding Elementary School and to authorize payment in the not-to-exceed amount of \$3,871,848 for services received and to be received to complete the renovation of School-within-School at Goding Elementary School.

(b) On May 7, 2020, the Department executed the Letter Contract for \$344,643, which authorized the Contractor to advance the design and obtain the necessary permits. On July 7, 2020, and July 10, 2020, the Department executed Modification Nos. 1 and 2 to the Letter Contract and increased the not-to-exceed amount to \$977,008. 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 \$3,871,848 and increase the amount of the Contract by \$2,894,840, from \$977,008 to \$3,871,848.

(c) The amount of the proposed Contract is in excess of \$1 million during a 12-month period; therefore, Council approval is 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 School-within-School

ENROLLED ORIGINAL

at Goding Elementary School and to compensate the Contractor for services provided and to be provided under the Contract.

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-0008 with Shinberg Levinas Architectural Design, Inc. 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

23-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency with respect to the need to amend Title III of the CleanEnergy DC Omnibus Amendment Act of 2018 to revise the timeline for phase-in of smaller buildings into the Building Energy Performance Standards Program implemented by the Department of Energy and Environment, to require the Department of Energy and Environment to establish new building energy performance standards every 6 years instead of every 5 years, to clarify language requiring buildings to comply with the building energy performance standards, and to provide that the strategic energy management plan for District buildings shall be delivered by January 1, 2021; and to amend the District of Columbia Traffic Act, 1925 to provide that the rules revising the calculation of the vehicle excise tax shall be issued by January 1, 2021, and to provide that changes to the vehicle excise tax shall be revenue neutral or revenue positive.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “CleanEnergy DC Omnibus Technical Amendment Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On February 4, 2020, the Council passed the CleanEnergy DC Omnibus Emergency Amendment Act of 2020, effective February 27, 2020 (D.C. Act 23-230; 67 DCR 2508) (“emergency act”), which expired on May 27, 2020.

(b) On March 3, 2020, the Council passed the CleanEnergy DC Omnibus Temporary Amendment Act of 2020, effective May 6, 2020 (D.C. Law 23-94; 67 DCR 3527) (“temporary act”), which will expire on December 17, 2020.

(c) This emergency legislation is substantively identical to the prior emergency act and the temporary act, except for 2 changes:

(1) The legislation clarifies that the Department of Energy and Environment (“DOEE”) may issue standards under section 301(b)(1)(A) of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.21(b)(1)(A)), by rulemaking or publication on the DOEE website, allowing the agency to most efficiently promulgate these new standards.

ENROLLED ORIGINAL

(2) The legislation moves the date by which the Department of General Services must develop a final strategic energy management plan from January 1, 2020, to January 2, 2021, in response to a request from the Executive for additional time to complete the plan to account for unanticipated delays.

(d) Immediate legislative action is necessary to prevent a gap in the law following the expiration of the temporary act, and to make the changes described in subsection (c) of this section.

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 CleanEnergy DC Omnibus Technical Amendment Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency with respect to the need to amend Title 29 of the District of Columbia Official Code to authorize remote meetings of members of foreign corporations and associations; to amend the Condominium Act of 1976 to authorize condominium unit owners' associations to conduct virtual meetings and to clarify voting and quorum requirements for such meetings during a period of time for which the Mayor has declared a public health emergency; and to amend the Coronavirus Support Temporary Amendment Act of 2020 to repeal an obsolete provision.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Common Interest Community Virtual Meeting Emergency Declaration Resolution of 2020".

Sec. 2. (a) Under District law, a condominium association must hold at least one annual meeting per year. That meeting consists of all unit owners in a condominium association. An annual meeting commonly occurs near the end of the calendar year and is held for the purpose of voting on any matters requiring a vote of the entire community, as well as electing executive board members and officers.

(b) In 2014, the Council adopted amendments to the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*) ("Condominium Act"), to allow for virtual meetings of executive boards of condominium associations. However, there was no corresponding allowance for virtual meetings of the full association.

(c) Meetings of a condominium association require voting by the entire association membership, while meetings of the executive board only require voting by the usually much smaller number of board members. Similarly, a quorum for a board is usually a majority of the board, while a quorum for an association would be a certain proportion of the total unit owners, depending on the specific condominium association's instruments or bylaws.

(d) Due to the ongoing public health emergency, in-person meetings of an entire association may not be allowed under the Mayor's guidelines; even for a smaller association,

ENROLLED ORIGINAL

such a meeting may not be advisable. However, under the Condominium Act, there is no mechanism for a virtual meeting or remote voting for an association.

(e) The proposed emergency and temporary legislation would allow for virtual meeting procedures for condominium associations, as well as for cooperative associations, during the current COVID-19 public health emergency and would be in effect for the duration of the emergency and temporary measures' applicability periods.

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 Common Interest Community Virtual Meeting Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-563

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency with respect to the need to amend the District of Columbia Unemployment Compensation Act to qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program.

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

Sec. 2. (a) The COVID-19 pandemic created an unprecedented need for businesses to reduce capacity or close to prevent a worsening of the pandemic.

(b) There exists an immediate need to extend the number of weeks of benefits available to District workers unemployed due to the COVID-19 pandemic because the public health emergency is expected to continue for many more months before the District’s economy can fully reopen.

(c) The COVID-19 pandemic has caused immeasurable financial instability for workers, including traditional employees and those working as independent contractors or “gig” workers, also causing hardship for their families and household members.

(d) Unemployment benefits payments are a lifeline to help District workers continue to meet their basic needs, such as rent or mortgage payments, utilities, medical costs, groceries, childcare, and the other costs of living.

(e) The federal-state unemployment insurance (“UI”) system, created in 1935, provides partial wage replacement to employees who lose a job through no fault of their own.

(f) The federal government recognized the need for additional weeks of benefits payments in legislation that created the Pandemic Emergency Unemployment Compensation (“PEUC”) and Pandemic Unemployment Assistance (“PUA”) programs, which expanded eligibility for unemployment benefits available to workers unemployed due to the COVID-19 pandemic, and the Extended Benefits (“EB”) program which was established in 1970 and is accessible when state unemployment rates rise significantly.

ENROLLED ORIGINAL

(g) Under current District and federal law, employees that qualify for UI may receive up to 26 weeks of UI benefits, up to 13 weeks of federal PEUC benefits, and up to 13 weeks of federal EB, for a total of 52 weeks of benefits.

(h) Under current District and federal law, individuals ineligible for traditional UI may receive up to 39 weeks of PUA benefits. These individuals are not eligible for PEUC or EB under current law.

(i) PUA recipients are eligible for benefits beginning the week of income loss that started after January 27, 2020. PUA recipients who received benefits for weeks starting with the week of January 27, 2020, will begin to exhaust their PUA benefits starting the week of October 25, 2020.

(j) The federal Coronavirus Aid, Relief, and Economic Security Act provided that PUA recipients and UI claimants in states with a high unemployment period in their state EB law may be eligible for up to 7 additional weeks of benefits under the EB program. These benefits are fully federally funded under federal law through December 31, 2020.

(k) The District's EB law does not currently have an applicable high unemployment period. During the 2009 Great Recession, the District enacted a high unemployment period provision to provide 7 additional weeks of EB, which were paid for with federal funds. The high unemployment period has been turned off since the end of 2009; however, the rate of unemployment currently in the District is similar to that of the Great Recession, especially for workers of color.

(l) There is now an immediate need to amend the District's unemployment insurance law to turn on a high unemployment period in District law to ensure that PUA recipients and traditional UI claimants who need EB can access 7 weeks of additional, federally funded benefits.

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 Unemployment Benefits Extension Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To declare the existence of an emergency with respect to the need to approve a multiyear Dedicated Funding Grant Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for state-of-good-repair capital needs for fiscal years 2021 through 2026.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Metropolitan Area Transit Authority Fiscal Year 2021 to 2026 Dedicated Funding Grant Agreement Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve the Dedicated Funding Grant Agreement with the Washington Metropolitan Area Transit Authority (“WMATA”) to provide capital funding for the capital improvement program for the Washington Metro System from July 1, 2020, to June 30, 2026.

(b) On February 14, 2020, the District Department of Transportation executed a Dedicated Funding Grant Agreement with WMATA to maintain WMATA’s assets in a state of good repair from July 1, 2019, through June 30, 2020, in the not-to-exceed amount of \$178,500,000.

(c) A new multiyear Dedicated Funding Grant Agreement with WMATA to provide \$\$ 1,154,611,166 (“grant agreement”) in dedicated funding for capital improvements to maintain WMATA’s assets in a state of good repair from July 1, 2020, to June 30, 2026, is now necessary.

(d) Council approval is necessary as the grant agreement is for more than \$1,000,000 during a 12-month period and is for multiple years.

(e) Council approval is necessary to allow the continuation of these vital services. Without this approval, WMATA cannot be paid for services provided in excess of \$1,000,000 for the grant period July 1, 2020, through June 30, 2026.

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 Washington Metropolitan Area Transit Authority Fiscal Year 2021 to 2026 Dedicated Funding Grant Agreement Emergency Approval Resolution of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-565

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

To approve, on an emergency basis, a multiyear Dedicated Funding Grant Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for state-of-good-repair capital needs for fiscal years 2021 through 2026.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Metropolitan Area Transit Authority Fiscal Year 2021 to 2026 Dedicated Funding Grant Agreement Emergency Approval Resolution of 2020”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; DC Official Code § 1-204.51(c)(3)), the Council approves the multiyear Washington Metropolitan Area Transit Authority Fiscal Year 2021 to 2026 Dedicated Funding Grant Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for the state-of-good-repairs capital needs for the Washington Metro System from October 1, 2020, to September 30, 2026, in the not-to-exceed amount of \$1,154,611,166.

Sec. 3. Transmittal.

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

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**

B23-0985 Unemployment Benefits Extension Amendment Act of 2020

Intro. 10-19-2020 by Councilmember Silverman and referred to the Committee on Labor and Workforce Development

B23-0986 Medical Necessity Restroom Access Act of 2020

Intro. 10-19-2020 by Councilmembers Pinto, Allen, Gray, Nadeau, and Todd and referred to the Committee on Health

B23-0987 Green Food Purchasing Amendment Act of 2020

Intro. 10-21-2020 by Councilmember Cheh and referred to the Committee on Transportation and the Environment

B23-0988 Closing of a Public Alley in Square 5051, S.O. 21-00136, Act of 2020

Intro. 10-21-2020 by Councilmember Gray and referred to the Committee of the Whole

PR23-1000 Health Benefit Exchange Authority Executive Board Diane Claire Lewis
Confirmation Resolution of 2020

Intro. 10-20-2020 by Chairman Mendelson and referred to the Committee on
Health

**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**

ANNOUNCES A PUBLIC HEARING – Government Witnesses

on

Monday, November 16, 2020, 12:00 PM

**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. Due to the high number of public witnesses signing up to testify, the Committee will recess following the conclusion of public witnesses on November 9th and the hearing will be reconvened at 12:00pm on November 16, 2020, to hear from the government witnesses.

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.

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.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

B23-985 Unemployment Benefits Extension Amendment Act of 2020

Monday, November 16, 2020, 3:00 pm - 6:00 pm

Virtual roundtable via Zoom

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

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public hearing before the Committee on B23-985 the Unemployment Benefits Extension Amendment Act of 2020, which will amend the District of Columbia Unemployment Compensation Act to qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the Extended Benefits program. A companion emergency measure was passed by the Council on October 20, 2020 (B23-983), and a temporary measure (B23-984) passed its first vote on that date.

Witnesses may use their phone or computer to participate in this virtual roundtable. Those who wish to testify must sign up no later than 10:00 a.m. on Friday, November 13, 2020 by providing their information using the form available at: <https://forms.gle/p7m8FyoMcuyrBGzK7> Witnesses must provide their name, email address, telephone number, organizational affiliation (if any), and job title (if any), as well whether they require language interpretation or sign language interpretation. Witnesses who require language interpretation or sign language interpretation are requested to email the Labor Committee at labor@dccouncil.us as soon as possible, but no later than 5:00 p.m. on Friday, November 6, 2020, stating their need for interpretation and requested language. The Council's Office of the Secretary will fulfill timely requests for language interpretation services; however, requests received later than November 6 may not be able to be fulfilled due to vendor availability.

On Friday, November 13, the Committee will email witnesses who have signed up by the 10 a.m. November 13 deadline to provide them with details about how to participate in the hearing via the Zoom platform. Only witnesses who have signed up by the deadline will be permitted to participate. Those wishing to testify are encouraged to submit an electronic copy of written testimony by 12:00 p.m. on Friday, November 13, 2020, so that staff may distribute testimonies in advance. Witnesses representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there is a large number of witnesses.

If anyone is unable to testify at the hearing, written statements will be made a part of the official record. Written statements should be submitted by email to labor@dccouncil.us. Additionally, the public may provide testimony by voice mail by calling (202) 455-0153, stating

and spelling the witness's name, stating any organizational affiliation, and speaking slowly to provide a statement to be transcribed and included in the record. The record will close at 5:00 p.m. on Tuesday, November 17, 2020.

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

REVISED

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE

on the

**Department of General Services Sustainability and Energy Management
Division**

Friday, November 20, 2020, 1:00 PM

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

On Friday, November 20, 2020, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement will hold a Public Oversight Roundtable on the Department of General Services Sustainability and Energy Management Division. The public oversight roundtable will take place via the Zoom web conferencing platform at 1:00 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. **This notice is being revised to reflect the delay of the start of the hearing by 1 hour to 1:00 PM.**

The Committee intends to continue its targeted series of oversight roundtables on the Department of General Services operations by examining the work of the Department's Sustainability and Energy Management Division. The Division is responsible for transforming the District's utilities and building footprint, through energy and sustainability efforts while saving taxpayer dollars and creating local jobs. The Division has three core objectives: limit portfolio resource consumption and environmental impacts, increase digital control and system knowledge of the building portfolio, and deliver cost savings to District taxpayers and agencies.

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 Wednesday, November 18, 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 oversight roundtable will close at the close of business on Friday, December 4, 2020.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

The District Department of Transportation Slow Streets Initiative

November, 16, 2020, at 9:00 AM

On November, 16, 2020, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on the District Department of Transportation's Slow Streets initiative. The roundtable will begin at 9:00 AM and will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov.

The purpose of the roundtable is for the Committee to learn about how DDOT plans to improve its Slow Streets initiative. Residents have raised numerous concerns with the effectiveness of the initiative due to confusing signage, poor communication, and perplexing street choices to serve as slow streets. Due to these issues, few residents appear to take advantage of the initiative. The Committee continues to believe the initiative is worthwhile, and plans to hear from DDOT on how the initiative can be improved.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council adapt the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, this public roundtable will be held remotely through the WebEx teleconferencing platform.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive information on how to join the roundtable at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the roundtable, which is November 9, 2020. We 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 you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. The public may also leave voicemail testimony for the Committee by calling (202) 350-1344, which will be transcribed and made part of the roundtable record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their

full name and the organization they represent, if any, and note the bill, roundtable, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other person contact information in voicemail testimony.

The record will close at the end of the business day on November 30, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

ANNOUNCES A PUBLIC ROUNDTABLE

on the matter of

**PR23-0917 – Housing Production Trust Fund Board Chapman Todd Confirmation
Resolution of 2020**

**PR23-0924 – The Rental Housing Commission Lisa M. Gregory Confirmation Resolution
of 2020**

**PR23-0983 – District of Columbia Housing Finance Agency Board of Directors Stephen
Green Confirmation Resolution of 2020**

on

Friday, November 20, 2020, at 9:00 AM
Via WebEx

On Friday, November 20, 2020, Councilmember Anita Bonds will hold a public roundtable to discuss three resolutions, including, PR23-0917 – Housing Production Trust Fund Board Chapman Todd Confirmation Resolution of 2020, PR23-0924 – The Rental Housing Commission Lisa M. Gregory Confirmation Resolution of 2020, and PR23-0983 – District of Columbia Housing Finance Agency Board of Directors Stephen Green Confirmation Resolution of 2020.

The first resolution on the agenda PR23-0917, would appoint Chapman Todd to the Housing Production Trust Fund Board for a term ending on January, 14 2023.

The second resolution on the agenda, PR23-0924, would reappoint Lisa M. Gregory to the Rental Housing Commission for a term ending on July 15, 2023.

The final resolution on the agenda, PR23-0983, would reappoint Stephen Green to the District of Columbia Housing Finance Agency Board for a term ending on June 28, 2022.

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 be viewed on Cable Channel 13 (DCCTV) and 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 27, 2020.

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR23-0937, THE “CHIEF OF THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
JOHN DONNELLY CONFIRMATION RESOLUTION OF 2020”**

Thursday, December 3, 2020, 1 – 3 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>
<http://video.oct.dc.gov/DCC/jw.html>

On Thursday, December 3, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable on Proposed Resolution 23-0937, the “Chief of the Fire and Emergency Medical Services Department John Donnelly Confirmation Resolution of 2020”. The roundtable will be held virtually via Zoom from 1 p.m. to 3 p.m. Public witnesses will testify from 1 p.m. to 2 p.m., at the latest, followed by the nominee from 2 p.m. to 3 p.m.

The Committee invites the public to provide oral and/or written testimony. Public witnesses seeking to provide oral testimony at the Committee’s roundtable must thoroughly review the following instructions:

- Anyone wishing to provide oral testimony must email the Committee at judiciary@dccouncil.us with their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Wednesday, November 25.**
- The Committee will approve witnesses’ registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses’ testimony.
- Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the roundtable.

The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the roundtable may not be fulfilled.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Friday, December 4.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC ROUNDTABLE
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR23-0990, “SENSE OF THE COUNCIL TO DECLARE RACISM A PUBLIC
HEALTH CRISIS IN THE DISTRICT OF COLUMBIA RESOLUTION OF 2020”**

**THURSDAY, NOVEMBER 5, 2020, 4:00 P.M. – 6:00 P.M.
REMOTE ROUNDTABLE VIA WEBEX
BROADCAST LIVE ON DC COUNCIL CHANNEL 13
STREAMED LIVE AT WWW.DCCOUNCIL.US AND ENTERTAINMENT.DC.GOV.**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Roundtable on Proposed Resolution 23-0990, the “Sense of the Council to Declare Racism A Public Health Crisis in the District of Columbia Resolution of 2020.” The roundtable will be held on Thursday, November 5, 2020, at 4:00 p.m., via Webex.

PR23-0990 would declare the sense of the Council to declare racism a public health crisis in the District of Columbia.

Persons wishing to provide oral testimony should contact Malcolm Cameron, Legislative Analyst of the Committee on Health by e-mail at mcameron@dccouncil.us or by phone at (202) 341-4425 before 6:00 p.m. on Tuesday, November 3, 2020. When sending an e-mail or leaving a voicemail, please provide Mr. Cameron with the following information:

- Your first and last name;
- The name of the organization you are representing (if any);
- Your title with the organization;
- Your e-mail address;
- Your phone number; and
- The specific bill/s you will be testifying about.

Mr. Cameron will e-mail a confirmation of your attendance with an agenda, witness list, and attached instructions for accessing the Webex video conference roundtable by 6:00 p.m. on Wednesday, November 4, 2020. Oral testimony will be strictly limited to three minutes to allow everyone an opportunity to testify.

For accommodation requests, including spoken language or sign language interpretation, please inform the Committee office 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.

Persons wishing to provide written testimony should e-mail their written testimony to Malcolm Cameron, Legislative Analyst of the Committee on Health at mcameron@dccouncil.us before 6:00 p.m. on Thursday, November 19, 2020. Any testimony provided after this time will not be made part of the official committee record. Please indicate that you are submitting testimony for this roundtable in the subject line of the e-mail. 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.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

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

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

Reprog. 23-127: Request to reprogram \$5,712,928.33 of Fiscal Year 2020 local operating funds within the Department of General Services was filed in the Office of the Secretary on October 20, 2020. This reprogramming will align the rent to debt expenditures.

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-128: Request to reprogram \$675,000.00 of Fiscal Year 2020 Local funds from the Settlement and Judgements Fund (ZH0) to the Office of Contracting and Procurement was filed in the Office of the Secretary on October 20, 2020. This reprogramming is needed to cover the cost of FTEs needed to support general operations.

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-129: Request to reprogram \$43,000,000 of Fiscal Year 2020 Local Fund 0100 from the Workforce Investment Fund in the amount of \$12,701,345; Department of Health Care Finance in the amount of \$28,298,655; and Repayment of Interest on Short-Term Borrowing in the amount of \$2,000,000 to the Emergency Planning and Security Fund was filed in the Office of the Secretary on October 20, 2020. This reprogramming is needed to cover the cost for ongoing First Amendment protests in the District.

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-130: Request to reprogram \$185,883.68 of Fiscal Year 2020 local operating funds within the Department of General Services was filed in the Office of the Secretary on October 20, 2020. This reprogramming is needed to pay employee settlements.

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-131: Request to reprogram \$45,000,000 of Fiscal Year 2020 Enterprise & Other Fund 0622 budget authority from the Department of Employment Services, Paid Family Leave program to the Unemployment Trust Fund Enterprise Fund 6226 was filed in the Office of the Secretary on October 20, 2020. This reprogramming will provide the necessary budget authority to support the final FY2020 expenditures for regular UI claims

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-132: Request to reprogram \$784,000 of Fiscal Year 2020 O-Type funds within the Public Service Commission was filed in the Office of the Secretary on October 20, 2020. This reprogramming is needed to cover the cost of variances in personnel services resulting from Regular versus Term status of Full Time Equivalent (FTEs) and for unbudgeted terminal leave and retirement incentive payments for staff that separated from the agency.

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-133: Request to reprogram \$1,159,777.36 of Fiscal Year 2020 Local Fund budget authority within the Department of Housing & Community Development was filed in the Office of the Secretary on October 20, 2020. This reprogramming is needed to cover the cost of several activity lines that have deficits in order to close out fiscal year 2020.

RECEIVED: 14-day review begins October 21, 2020

Reprog. 23-134: Request to reprogram \$500,000 of Fiscal Year 2020 local budget authority from the Department of Employment Services to the DC Unemployment Compensation Fund was filed in the Office of the Secretary on October 21, 2020. This reprogramming is needed to cover the cost of increased unemployment insurance claims filed by District employees.

RECEIVED: 14-day review begins October 22, 2020

Reprog. 23-135: Request to reprogram \$853,698 of Fiscal Year 2020 local budget authority within the Office of the Chief Financial Officer was filed in the Office of the Secretary on October 21, 2020. This reprogramming is needed to properly align budget with expenditures

RECEIVED: 14-day review begins October 22, 2020

Reprog. 23-136: Request to reprogram \$933,650 of Fiscal Year 2020 Local funds within the Department of Energy and Environment was filed in the Office of the Secretary on October 21, 2020. This reprogramming is needed to cover costs incurred during the COVID-19 pandemic and Public Health Emergency

RECEIVED: 14-day review begins October 22, 2020

Reprog. 23-137: Request to reprogram \$2,200,000 of Fiscal Year 2020 Special Purpose Revenue Funds (0600) from the Office of the Chief Financial Officer (AT0) to the University of the District of Columbia (GF0) was filed in the Office of the Secretary on October 21, 2020. This reprogramming is needed to cover cost of operating expense related to building 4250 Connecticut Avenue and 4225 Connecticut Avenue, also operating expense for Communication and Marketing.

RECEIVED: 14-day review begins October 22, 2020

Reprog. 23-138: Request to reprogram \$1,131,535 of Fiscal Year 2021 Local Funds within the Office of Neighborhood Safety and Engagement appropriated budget authority was filed in the Office of the Secretary on October 21, 2020. This reprogramming is needed to cover cost of critical needs across multiple divisions within the agency.

RECEIVED: 14-day review begins October 22, 2020

Reprog. 23-139: Request to reprogram \$352,524.94 of OCME's Fiscal Year 2021 local operation budget to OCME's Capital PAYGO was filed in the Office of the Secretary on October 22, 2020. This reprogramming will fund the purchase of furniture and will accommodate new employees of the OCME on the 5th and 6th floors at the Department of Forensic Science.

RECEIVED: 14-day review begins October 23, 2020

Reprog. 23-140: Request to reprogram \$17,659,096.34 from various agencies within Public Safety and Justice Cluster in the amount of \$5,659,096.34; Settlements and Judgements in the amount of \$10,000,000; and Child and Family Services in the amount of \$500,000.00; Department of Youth and Rehabilitation Services in the amount of \$200,000.00; Department of Parks and Recreation in the amount of \$500,000.00; Department of Disability Services in the amount of \$800,000.00; going to the Fire and Emergency Medical Services Department in the amount \$17,409,096.34 and the Department of Forensic Sciences in the amount of \$250,000.00 was filed in the Office of the Secretary on October 22, 2020. This reprogramming is needed to cover personnel costs within their respective FY 2020 operating budgets.

RECEIVED: 14-day review begins October 23, 2020

Reprog. 23-141: Request to reprogram \$43,000,000 of Fiscal Year 2020 Local Fund 0100 from the Workforce Investment Fund in the amount of \$12,701,345; Department of Health Care Finance in the amount of \$28,298,655; and Child and Family Services in the amount of \$2,000,000 going to the Emergency Planning and Security Fund was filed in the Office of the Secretary on October 22, 2020. This reprogramming is needed to cover the costs for ongoing First Amendment protests in the District.

RECEIVED: 14-day review begins October 23, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 30, 2020
Protest Petition Deadline: January 4, 2021
Roll Call Hearing Date: January 19, 2021

License No.: ABRA-101367
Licensee: TGW Convenience Store, LLC
Trade Name: A & S Grocery
License Class: Retailer's Class "B" Grocery
Address: 4748 Sheriff Road, N.E.
Contact: Wendell Robinson, Esq.: (202) 223-4470

WARD 7 ANC 7C SMD 7C07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 19, 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Class Change from Retailer's Class "B" Grocery, to a Retailer's Class "A" Liquor Store.

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am - 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-060734

License Class/Type: B / Retail - Grocery

Applicant: Cha Corportaion

Trade Name: Lobby Mart

ANC: 2C03

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

501 3RD ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6:30am - 10:00pm	7:00am - 10:00pm
Monday:	6:30 am - 10:00pm	7:00am - 10:00pm
Tuesday:	6:30 am - 10:00pm	7:00am - 10:00pm
Wednesday:	6:30 am - 10:00pm	7:00am - 10:00pm
Thursday:	6:30 am - 10:00pm	7:00am - 10:00pm
Friday:	6:30 am - 10:00pm	7:00am - 10:00pm
Saturday:	6:30 am - 10:00pm	7:00am - 10:00pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-060717

License Class/Type: B / Retail - Grocery

Applicant: Moon Run Inc

Trade Name: 1500 Market

ANC: 2B05

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

1500 MASSACHUSETTS AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8:30 am - 10 pm	9 am - 10 pm
Monday:	8:30 am - 10 pm	9 am - 10 pm
Tuesday:	8:30 am - 10 pm	9 am - 10 pm
Wednesday:	8:30 am - 10 pm	9 am - 10 pm
Thursday:	8:30 am - 10 pm	9 am - 10 pm
Friday:	8:30 am - 10 pm	9 am - 10 pm
Saturday:	8:30 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-019046

License Class/Type: B / Retail - Grocery

Applicant: B & S Business Enterprises, Inc.

Trade Name: Randall Grocery

ANC: 7B01

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

2924 MINNESOTA AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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 - 11pm	7 am - 11 pm
Monday:	7 am - 11pm	7 am - 11 pm
Tuesday:	7 am - 11pm	7 am - 11 pm
Wednesday:	7 am - 11pm	7 am - 11 pm
Thursday:	7 am - 11pm	7 am - 11 pm
Friday:	7 am - 11pm	7 am - 11 pm
Saturday:	7 am - 11pm	7 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-098074

License Class/Type: B / Retail - Grocery

Applicant: Lee Casa Lebrato, Inc.

Trade Name: Casa Lebrato

ANC: 1C06

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

1733 COLUMBIA RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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	7am - 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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-108071

License Class/Type: B / Retail - Class B

Applicant: BET Corporation

Trade Name: Whitelaw Market

ANC: 1B12

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

1846 13th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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 - 10 pm	9 am - 10 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-109067

License Class/Type: B / Retail - Class B

Applicant: Shipley Super Market, LLC

Trade Name: Shipley Super Market

ANC: 8B06

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

2283 SAVANNAH ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	8 am - 10 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
10/30/2020

Notice is hereby given that:

License Number: ABRA-110450

License Class/Type: B / 25 Percent

Applicant: 2120 P Street Associates LLC

Trade Name: Residence Inn Dupont Circle

ANC: 2B02

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

2120 P ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-111680

License Class/Type: B / Retail - Class B

Applicant: Doo Young Kim

Trade Name: Cookie Corner

ANC: 1B01

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

1970 2ND ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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	9am - 12am
Monday:	7 am - 12 am	9 am - 12 am
Tuesday:	7 am - 12 am	9 am - 12 am
Wednesday:	7 am - 12 am	9 am - 12 am
Thursday:	7 am - 12 am	9 am - 12 am
Friday:	7 am - 12am	9 am - 12 am
Saturday:	7am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-112501

License Class/Type: B / Retail - Grocery

Applicant: Kush Project, LLC

Trade Name: Dent Place Market

ANC: 2E02

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

1643 34TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 7 pm	9 am - 7 pm
Monday:	7 am - 9:30 pm	9 am - 9:30 pm
Tuesday:	7 am - 9:30 pm	9 am - 9:30 pm
Wednesday:	7 am - 9:30 pm	9 am - 9:30 pm
Thursday:	7 am - 9:30 pm	9 am - 9:30 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	8 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-112577

License Class/Type: B / Retail - Class B

Applicant: Jabbo's Compact Market, Inc.

Trade Name: Compact Supermarket

ANC: 5D02

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

1613 MONTELLO AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	8 am - 10 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
10/30/2020

Notice is hereby given that:

License Number: ABRA-114228

License Class/Type: B / 25 Percent

Applicant: Lodging Concessions, LLC

Trade Name: AC Hotel Washington DC

ANC: 2B06

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

1112 19TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 hour -	8 am - 12 am
Monday:	24 hour -	8 am - 12 am
Tuesday:	24 hour -	8 am - 12 am
Wednesday:	24 hour -	8 am - 12 am
Thursday:	24 hour -	8 am - 12 am
Friday:	24 hour -	8 am - 12 am
Saturday:	24 hour -	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

Notice is hereby given that:

License Number: ABRA-117009

License Class/Type: B / Wholesaler

Applicant: Ikavina Wine and Spirits, LLC

Trade Name: Ikavina Wine and Spirits, LLC

ANC: 3F02

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

4221 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 30, 2020
Protest Petition Deadline: January 4, 2021
Roll Call Hearing Date: January 19, 2021
Protest Hearing Date: March 31, 2021

License No.: ABRA- 117346
Licensee: Sohal, Inc.
Trade Name: Glassey
License Class: Retailer’s Class “C” Restaurant
Address: 1625 1st Street, N.W., Unit A
Contact: Taj Sohal: (202) 483-8286

WARD 5

ANC 5E

SMD 5E06

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 19, 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 31, 2021 at 4:30 p.m.

NATURE OF OPERATION

The Establishment will be a casual restaurant serving Indian food. Seating Capacity of 41 and a Total Occupancy Load of 41.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Wednesday through Monday 12pm – 9pm, Closed Tuesdays

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 30, 2020
Protest Petition Deadline: January 4, 2021
Roll Call Hearing Date: January 19, 2021
Protest Hearing Date: March 31, 2021

License No.: ABRA-117384
Licensee: Jamerica LLC
Trade Name: Jamerica
License Class: Retailer's Class "C" Restaurant
Address: 2125 Rhode Island Avenue, N.E.
Contact: Jeffrey Jackson: (202) 251-1566

WARD 5

ANC 5C

SMD 5C07

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 19, 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 31, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 99 and Total Occupancy Load of 99. Summer Garden with 25 seats. Requesting an Entertainment Endorsement to provide live entertainment inside the premises only.

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

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

HOURS OF OPERATION FOR OUTSIDE IN SUMMER GARDEN

Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Thursday 6pm – 11pm, Friday and Saturday 6pm – 1am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, DECEMBER 9, 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 ONE

20325
ANC 1B **Application of Ethan Landis**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 206.2 from the upper floor addition requirements of Subtitle E § 206.1(a), to construct a third story addition, and add a second dwelling unit to an existing attached principal dwelling unit in the RF-1 Zone at premises 2611 13th Street, N.W. (Square 2862, Lot 70).

WARD ONE

20326
ANC 1B **Application of Spence Allin**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 206.2 from the upper floor addition requirements of Subtitle E § 206.1(a), to construct a third story addition, and add a second dwelling unit to an existing attached principal dwelling unit in the RF-1 Zone at premises 2613 13th Street, N.W. (Square 2862, Lot 71).

WARD ONE

20327
ANC 1B **Application of 1214 Fairmont ST NW LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a third story and a three-story rear addition and convert the existing principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 1214 Fairmont Street N.W. (Square 2862, Lot 87).

WARD FOUR

20328
ANC 4C **Application of Madison Heights LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development requirements of Subtitle U § 421.1, to add 6 additional units to an existing principal dwelling unit in the RA-1 Zone at premises 1214 Madison Street N.W. (Square 2934, Lot 35).

BZA PUBLIC HEARING NOTICE

DECEMBER 9, 2020

PAGE NO. 2

WARD SEVEN

20329 **Application of Ekop I Graham**, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the lot dimension requirements of Subtitle D § 302.1 and the side yard requirements of Subtitle D § 306.3, to construct a new semi-detached building with two principal dwelling units in the R-2 Zone at premises 1138 51st Street N.E. (Square 5201, Lot 809).

WARD THREE

20330 **Application of 5608 Broad LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a use variance from the use provisions of Subtitle U § 201.1, to permit the conversion of an existing storage space into a fitness center in the R-1-B Zone at premises 5608 Broad Branch Road, N.W. (Square 1997, Lot 78).

WARD SIX

20333 **Application of Matthew Pickner**, 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 construct a three-story rear addition to an existing attached dwelling unit in the RF-1 Zone at premises 1165 3rd Street, N.E. (Square 773, Lot 270).

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.

BZA PUBLIC HEARING NOTICE
DECEMBER 9, 2020
PAGE NO. 3

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzsubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

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 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.

BZA PUBLIC HEARING NOTICE
DECEMBER 9, 2020
PAGE NO. 4

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 16, 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

20331 **Application of Magdalena Acevedo nee Przytulska**, pursuant to 11
ANC 4C DCMR Subtitle X, Chapter 9, for a special exception from the
 accessory building use requirements of Subtitle U § 301.1(e), to
 demolish an existing garage and to construct a two-story accessory
 building to be used as a second principal dwelling unit and a garage in
 the RF-1 Zone at premises 314 Varnum Street, N.W. (Square 3311, Lot
 66).

WARD TWO

20332 **Application of SCHF VEG LLC**, pursuant to 11 DCMR Subtitle X,
ANC 2A Chapter 9, for a special exception under the use provisions of Subtitle
 U § 513.1(l), to permit a veterinary hospital in an existing mixed-use
 building in the MU-10 Zone at premises 2311 M Street N.W. (Square
 36, Lot 51).

WARD SIX

20335 **Application of Jeffrey Wagener**, pursuant to 11 DCMR Subtitle X,
ANC 6B Chapters 9, for special exceptions under Subtitle E § 5201 from the
 rear addition requirements of Subtitle E § 205.5, from the lot
 occupancy requirements of Subtitle E § 304.1, and from the rear yard
 requirements of Subtitle E § 306.1, to construct a two-story rear
 addition and an accessory building in the rear of an existing attached
 principal dwelling unit in the RF-1 Zone at premises 741 12th Street
 S.E. (Square 995, Lot 55).

WARD SIX

20336 **Application of 1447 Maryland LLC**, pursuant to 11 DCMR Subtitle
ANC 6A X, Chapter 9, for a special exception under Subtitle C § 703.2 from the
 minimum parking requirements of Subtitle C § 701.5, to construct a
 two-story addition to permit a mixed-use building with 9 residential
 units in the NC-14 Zone at premises 1447 Maryland Avenue N.E.
 (Square 1055, Lot 22).

BZA PUBLIC HEARING NOTICE
DECEMBER 16, 2020
PAGE NO. 2

WARD FOUR

20337
ANC 4C **Application of Ayanna C. Kelley**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-use requirements of Subtitle U § 203.1(h), to permit the operation of a child development center for ages 2 to 12 years old in the R-1-B Zone at premises 4501 16th Street N.W. (Square 2702, Lot 805).

WARD FIVE

20338
ANC 5D **Application of Glennorth Investments LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the minimum lot area requirements of Subtitle E § 201.1, to construct a flat in the RF-1 Zone at premises 1630 Trinidad Avenue N.E. (Square 4055, Lot 802).

WARD SEVEN

20339
ANC 7D **Application of Lee Street Development LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the minimum lot width and lot area requirements of Subtitle D § 302.1, the minimum rear yard requirements of Subtitle D § 306.1, and the use permissions of Subtitle U § 201.1(b), to construct 6 two-unit flats in the R-2 Zone at premises 4404 Lee Street N.E. (Square 5125, Lots 868 and 869).

WARD FOUR

20376
ANC 4C **Application of 210 Varnum Street NW, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development requirements of Subtitle U § 421.1, to convert the existing principal dwelling unit into a four-unit apartment house in the RA-1 Zone at premises 210 Varnum Street, N.W. (Square 3317, Lot 104).

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.

BZA PUBLIC HEARING NOTICE

DECEMBER 16, 2020

PAGE NO. 3

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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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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회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

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BZA PUBLIC HEARING NOTICE
DECEMBER 16, 2020
PAGE NO. 4

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 23, 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 SIX

20340
ANC 6A **Application of Arthur Melzer and Shikha Dalmia**, 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, to construct a second-story addition to an existing accessory structure in the rear yard of an existing flat in the RF-1 Zone at premises 114 12th Street N.W. (Square 988, Lot 65).

WARD FIVE

20341
ANC 5B **Application of 4527 Georgia Ave LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to raze the existing building and to construct a new 49-unit residential apartment building in the MU-4 Zone at premises 1544 Rhode Island Avenue, N.E. (Square 4021, Lot 15).

WARD FOUR

20342
ANC 4C **Application of Peggy C. Kennedy**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development provisions of Subtitle U § 421.1, to convert an existing, detached, principal dwelling unit into a 9-unit apartment house in the RA-1 Zone at premises 1212 Madison Street N.W. (Square 2934, Lot 34).

BZA PUBLIC HEARING NOTICE

DECEMBER 23, 2020

PAGE NO. 2

WARD ONE

20346
ANC 1B **Application of John B. Gogos**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the alley lot use provisions of Subtitle U § 601.1(d), under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1, and pursuant to Subtitle X, Chapter 10, for a variance from the alley lot height requirements of Subtitle E § 5102.1, to construct a new, detached principal dwelling unit in the RF-1 Zone at premises 782 Fairmont Street, NW (Square 2884, Lot 81).

WARD ONE

20347
ANC 1B **Application of John B. Gogos**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the alley lot use provisions of Subtitle U § 601.1(d), under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1, and pursuant to Subtitle X, Chapter 10, for a variance from the alley lot height requirements of Subtitle E § 5102.1, to construct a new, detached principal dwelling unit in the RF-1 Zone at premises 921 Euclid Street, NW (Square 2884, Lot 82).

WARD ONE

20352
ANC 1A **Application of Charles Okunubi**, 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 requirements of Subtitle C § 701.5, to convert an existing principal dwelling unit to a three-unit apartment house at in the RF-1 Zone at premises 426 Manor Place, NW (Square 3036, Lot 67).

WARD THREE

20364
ANC 3D **Application of Jonathan Fellows**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1402.1, from the retaining wall height requirements of Subtitle C §§ 1401.3(b) and 1401.5, to replace an existing retaining wall in the R-15 Zone, at premises 3036 New Mexico Avenue, NW (Square 1622, Lot 819).

BZA PUBLIC HEARING NOTICE
DECEMBER 23, 2020
PAGE NO. 3

WARD EIGHT

20368
ANC 8E

Application of KD’s Klubhouse, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-use requirements of Subtitle U § 203.1(h) to permit the operation of a child development center for 160 children in the RF-1 Zone, at premises 4025 9th Street SE (Square 6159, Lot 124).

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።

BZA PUBLIC HEARING NOTICE
DECEMBER 23, 2020
PAGE NO. 4

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.

**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**

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF FINAL RULEMAKING

The Director of the Department of Housing and Community Development, pursuant to the authority set forth in Section 5 of the Home Purchase Assistance Act of 1978, as amended, D.C. Law 2-103, D.C. Official Code § 42-2604 (2012 Repl.), and Mayor’s Order No. 80-8 (January 14, 1980), hereby gives notice of the adoption of amendments to Chapter 25 (Home Purchase Assistance Program (HPAP)) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to implement the Home Purchase Assistance Program Amendment Act of 2016, effective July 1, 2016 D.C. Law 21-139 (“Act”), D.C. Official Code § 42-2601 *et seq.* by revising Chapter 25 of Title 14 of the District of Columbia Municipal Regulations, to conform to the Home Purchase Assistance Program changes mandated by the Act. The proposed rules increase the maximum assistance under HPAP to \$80,000 and implement deferment of repayment on HPAP loans to very low-income and low-income borrowers.

On March 24, 2017, a Notice of Proposed Rulemaking was published in the *D.C. Register* at 64 DCR 002987, and submitted to the Council of the District of Columbia for a 45-day period of review on Jul 13, 2018 (PR22-0971 - Home Purchase Assistance Program Amendment Regulations Approval Resolution of 2018). No public comments were received during the thirty (30) day comment period. The proposed rules were deemed approved by the Council on October 30, 2018. No substantive changes were made to the rules, and the rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 25, HOME PURCHASE ASSISTANCE PROGRAM, of Title 14 DCMR, HOUSING, is amended as follows:

Subsection 2503.1(b) of Section 2503, AMOUNT OF FINANCIAL ASSISTANCE, is amended as follows:

2503.1

...

- (b) Downpayment Assistance for eligible very low, low, and moderate income applicants shall be in an amount equal to the Desired Purchasing Power less the Standard Mortgage Qualification Level for each eligible applicant, subject to the Per-Client Downpayment Assistance Cap, and adjusted for household size. The maximum amount of Downpayment Assistance for the lowest income applicant shall be \$80,000 and shall be adjusted based on the applicant’s income according to subparagraph (1) of this paragraph.

...

Subsection 2504.2 of Section 2504, DETERMINATION OF MONTHLY PRINCIPAL PAYMENT, is amended to read as follows:

2504.2

- (a) Loans made to any income-eligible moderate-income household under this Program shall require monthly Principal-Only payments in an amount equal to the loan amount amortized over a four hundred eighty (480) month period, and payment shall begin five (5) years from the date of the loan execution.
- (b) Loans made to any lower-income household or very low-income household under this Program shall not require monthly payments, and only require repayment of the loans as provided for in Section 2506.

Subsection 2505.1 of Section 2505, TYPES OF LOANS: PRINCIPAL ONLY, INSECURED, DEFERRED PAYMENT, is amended to read as follows:

2505.1 Except as provided for in Sections 2505 through 2506, all financial assistance under the Program shall be either Principal-Only Loans repayable after five (5) years, or deferred payment loans consistent with Subsection 2504.2 of this chapter secured by a lien or subordinated trust on the property purchased or by other security provided for in this chapter or deemed appropriate by the Department.

Subsection 2508.2 of Section 2508, TERMS OF LOANS, is amended to read as follows:

2508.2

- (a) The terms of each loan made to any moderate income household under the Program shall provide that the principal amount of the loan shall become due and payable on an amortized basis after five (5) years from the date of the loan or payable in full whenever the loan recipient ceases to occupy the property purchased or secured as his or her principal residence, except as provided for under Section 2506.
- (b) The terms of each loan made to any lower-income household or very low-income household under the Program shall provide that the loan shall become due and payable in full whenever the loan recipient ceases to occupy the property purchased or secured as his or her principal residence, except as provided for under Section 2506.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL 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.)), Sections 6 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01 (2014 Repl.)), Section 2 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50–1501.02 (2014 Repl.)), and Section 107 of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104, D.C. Official Code § 50-2301.07 (2014 Repl.)), hereby gives notice of the adoption of the following rulemaking that amends Chapter 30 (Adjudication and Enforcement) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rules update and clarify the pre-hearing process by eliminating the reference to using the back of the Notice of Infraction as a form for answering the alleged violation as well as update the regulations to conform with applicable statutes.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 7, 2020 at 67 DCR 009526. No comments were received, and no changes were made to the text of the rules as proposed. The final rules will become effective on the date of publication of this notice in the *D.C. Register*

Chapter 30, ADJUDICATION AND ENFORCEMENT, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 3002, ISSUANCE OF PARKING VIOLATIONS ONLY, is amended as follows:

Subsection 3002.5 is repealed.

Section 3006, ANSWERS TO NOTICES OF INFRACTION, is amended as follows:

Subsection 3006.4 is repealed.

Section 3008, REQUESTS FOR HEARINGS, is amended as follows:

Subsection 3008.1 is repealed.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (Department or DDOT), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(E), and 9j (authorizing the DDOT Director to issue rules to implement its delegated authority) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(E), and 50-921.18 (2014 Repl. & 2019 Supp.)), and Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04 (2014 Repl.)), and Mayor's Order 2018-075, dated October 2, 2018, hereby gives notice of the intent to adopt the following rulemaking to amend Chapter 33 (Public Right-of-Way Occupancy Permits) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking amends Title 24 to establish the threshold metrics that dockless vehicle operating companies with public permits must meet to be offered a fleet increase, as well as the regularity of such increases so that essential trips can be made. Particular attention is focused on low-income rider access and use.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 19, 2020 at 67 DCR 007786-007791. During the public comment period that followed, the Department received comments from one District resident, and also from two dockless vehicle operating companies. The resident's comments criticized the requirements that companies must meet to get approval for fleet increases as insufficient to meet equity goals. These requirements include percentages of trips that must be made by participants in low-income customer plans (LICPs) and essential workers customer plans (EWCPs). DDOT believes the requirement appropriately balances incentives for companies to expand access to underserved residents and workers with thresholds that companies can achieve with an appropriate level of effort.

One dockless vehicle operating company recommended, as a new threshold criterion for eligibility for fleet increases in 3314.11, that a company must have at least one percent (1%) of trips start or end in an "Equity Emphasis Area." DDOT has considered this comment and has chosen not to add additional requirements to qualify for a fleet increase. The existing requirements appear to be incentivizing increased levels of access in underserved areas, during the period in which the emergency rules have been in effect. Therefore, the current requirements appear to be adequate.

A dockless vehicle operating company recommended that the maximum weekly fleet increase allowed in 3314.13 should be four hundred (400) vehicles, an increase from the proposed two hundred (200), along with doubling each of the lower-level increase amounts. This recommendation also included an adjustment to the thresholds for the percentages of trips that must be made by LICP or EWCP participants. DDOT believes that the fleet increase levels proposed by the Department are appropriate, and strike the correct balance between the desired level of program expansion and the need to ensure that expansion can occur at a rate consistent with safe and effective management practices.

A dockless vehicle operating company recommended that the text in 3314.15 and 3314.16, specifying that the Director has the authority to defer and waive permit fees under certain circumstances, should rather specify that the Director “shall” make such deferrals and waivers. DDOT does not agree with this comment, which would unnecessarily constrain the Director’s discretion to take such administrative actions.

A dockless vehicle operating company recommended a technical change to the way that “essential workers” are defined, as stated in 3314.11(f). DDOT believes that the language proposed by the Department is sufficiently clear.

A dockless vehicle operating company commented that the timeline for submission of petitions for fleet increases and accompanying data described in 3314.12(d) is challenging to meet. During the course of reviewing petitions and data submissions while the emergency rules have been in effect, DDOT has observed that it is difficult for some companies to submit validated data within such a short time period after the end of the seven-day period being used for reporting purposes. Accordingly, DDOT is amending 3314.12(d) in this final rulemaking to allow a longer time period for data validation and reporting.

Finally, DDOT is making a few minor and non-substantive amendments to this final rulemaking, for purposes of clarifying the Department’s intent. First, DDOT is correcting several internal references within the rulemaking that were incorrectly numbered in the emergency and proposed rulemaking. Second, DDOT is amending 3314.11(h) to clarify that a dockless vehicle operating company is eligible for an increase if its permit is not in a state of suspension or revocation when the petition is submitted; the emergency and proposed rulemaking would have, contrary to the Department’s intent, made a company eligible for an increase only if their permit had never been suspended or revoked. The final rulemaking also corrects 3314.10 to consistently use the term “dockless electric scooter” rather than “dockless scooter.” The Department is also not publishing, in this final rulemaking, the rule that was included in the emergency and proposed rulemaking at 3314.18. This rule would have established certain data handling standards for data reported pursuant to 3314.5. Upon consideration, DDOT has determined that privacy and security standards for data reported pursuant to 24 DCMR 3314 require additional analysis and public input before finalizing such standards. DDOT intends to address these standards in a forthcoming rulemaking.

The Director adopted these rules as final on September 24, 2020, and they shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:

Section 3314, DOCKLESS SHARING VEHICLE, is amended by adding new Subsections 3314.10 through 3314.18 to read as follows:

3314.10 A permit issued under this section shall designate the maximum number of dockless vehicles the permittee may operate in the public right-of-way (the “maximum fleet size”).

- (a) The initial maximum fleet size for a permit for dockless bicycles shall be two thousand five hundred (2,500) bicycles and the initial maximum fleet size for a permit for dockless electric scooters shall be seven hundred and twenty (720) scooters to ensure that applicants do not collectively oversaturate the District with dockless vehicles.
- (b) The maximum fleet size under a permit issued under this section for dockless electric scooters may be increased above the initial maximum fleet size, to up to two thousand five hundred (2,500) dockless electric scooters under the permit, to accommodate the demand for shared mobility in accordance with Subsections 3314.11 through 3314.13.

3314.11 The Director may, upon application of a permittee, grant an increase to the permit's initial maximum fleet size if a permittee demonstrates that the dockless vehicle operating company:

- (a) Made, on average, at least six hundred (600) dockless sharing vehicles available for use in the public right-of-way during each of the seven (7) days prior to the submission of the application;
- (b) Served, on average, at least two hundred (200) trips of at least five (5) minutes in duration during each of the seven (7) days prior to the submission of the application;
- (c) Offers a low-income customer plan to customers with an income level at or below two hundred percent (200%) of the federal poverty guidelines that: (1) does not impose a vehicle deposit requirement; (2) offers an affordable cash payment option; (3) offers unlimited trips under thirty (30) minutes; and (4) is eligible for annual renewal;
- (d) Has at least five (5) customers who participated in the low-income customer plan described in Subsection 3314.11(c) during the seven (7) days prior to the submission of the application;
- (e) Has at least one percent (1%) of trips provided pursuant to Subsection 3314.11(b) taken by customers participating in the low-income customer plan described in Subsection 3314.11(c);
- (f) Offers an essential workers customer plan that offers free or discounted trips to workers at essential businesses as that term is defined in Mayor's Order 2020-053, dated March 24, 2020, for so long as that Order (including any extension) remains in effect;
- (g) Has at least five (5) customers who have participated in the essential workers customer plan described in Subsection 3314.11(f) during the seven

- (7) days prior to the submission of the application; and
- (h) Has a valid Public Right-of-Way Occupancy Permit issued pursuant to this section that:
 - (1) Was issued at least seven (7) days prior to the submission of the application;
 - (2) Has not expired, and will not expire within seven (7) days of the Director's grant of an increase in the maximum fleet size; and
 - (3) Is not currently suspended or revoked by the Director.

3314.12 A dockless vehicle operating company that meets the eligibility criteria in Subsection 3314.11 may submit an application to the Director requesting an increase to the permit's maximum fleet size. The application shall be in writing and shall:

- (a) Include information sufficient to establish that the dockless vehicle operating company meets the eligibility criteria in Subsection 3314.11;
- (b) Include information that establishes the dockless vehicle operating company's performance with respect to the criteria in Subsection 3314.13;
- (c) Specify the number of dockless sharing vehicles that the dockless vehicle operating company is requesting permission to make available in the public right-of-way, and by what date such permission is requested to be granted; and
- (d) Be submitted no later than 12:00 noon on the Tuesday following the previous week beginning Monday and ending Sunday to determine eligibility for the fleet increase.
- (e) Upon request by the Director, the dockless vehicle operating company may submit additional or corrected information by 12:00 noon on the Friday after submission of the application pursuant to 3314.12(d).

3314.13 When making a determination whether to grant an increase in a maximum fleet size pursuant to Subsection 3314.11, the Director shall use the following method:

- (a) Within two (2) weeks of receiving an application for an increase in maximum fleet size, the Director shall notify the dockless vehicle operating company that submitted the application of the Director's determination via email and shall notify the public via posting information on the Department's website.

- (b) A permitted increase in maximum fleet size shall take effect immediately upon the Director's notification of the applicant, unless otherwise specified by the Director.
- (c) The Director shall grant an increase in maximum fleet size of no more than two hundred (200) dockless sharing vehicles to a dockless vehicle operating company meeting the eligibility criteria in Subsection 3314.11 who submits an application that meets the requirements of Subsection 3314.12.
- (d) In granting an increase in maximum fleet size pursuant to this section, the Director shall consider:
 - (1) The number of dockless sharing vehicles requested by the applicant;
 - (2) The impact of deploying additional dockless sharing vehicles on the District's public right-of-way and any other impacts on public health, safety, and welfare; and
 - (3) Performance criteria as specified in Subsections 3314.13(e) through 3314.13(h).
- (e) A dockless vehicle operating company may be granted an increase of up to fifty (50) vehicles if its petition satisfies Subsection 3314.12, the Director determines that the increase will not adversely affect the District's public space or any other factor identified in Subsection 3314.13(d), and, for the seven (7)-day period prior to the petition, the petition demonstrates any of the following:
 - (1) The percentage of trips meeting the criteria of Subsection 3314.11(c) was between one to five point ninety-nine percent (1%-5.99%) of all trips;
 - (2) The percentage of trips meeting the criteria of Subsection 3314.11(f) that took place was between 1%-5.99% of all trips; or
 - (3) The combined percentage of trips meeting the criteria of Subsection 3314.11(c) or 3314.11(f) that took place was a total of at least four percent (4%) of all trips.
- (f) A dockless vehicle operating company may be granted an increase of up to one hundred (100) vehicles if its petition satisfies Subsection 3314.12, the Director determines that the increase will not adversely affect the District's public space or any other factor identified in Subsection 3314.13(d), and for the seven (7)-day period prior to the petition, the petition demonstrates any of the following:

- (1) The percentage of trips meeting the criteria of Subsection 3314.11(c) that took place was between six to seven point ninety-nine percent (6%-7.99%) of all trips;
 - (2) The percentage of trips meeting the criteria of Subsection 3314.11(f) that took place was between 6%-7.99% of all trips; or
 - (3) The combined percentage of trips meeting the criteria of Subsection 3314.11(c) or 3314.11(f) that took place was a total of at least twelve percent (12%) of all trips.
- (g) A dockless vehicle operating company may be granted an increase of up to one hundred and fifty (150) vehicles if its petition satisfies Subsection 3314.12, the Director determines that the increase will not adversely affect public space or any of the other factor identified in Subsection 3314.13(d), and for the seven (7)-day period prior to the petition, the petition demonstrates any of the following:
- (1) The percentage of trips meeting the criteria of Subsection 3314.11(c) that took place was between eight to ten point ninety-nine percent (8%-10.99%);
 - (2) The percentage of trips meeting the criteria of Subsection 3314.11(f) that took place was between 8%-10.99%; or
 - (3) The combined percentage of trips meeting the criteria of Subsection 3314.11(c) or 3314.11(f) that took place was a total of at least sixteen percent (16%) of all trips.
- (h) A dockless vehicle operating company may be granted an increase of up to two hundred (200) vehicles if its petition satisfies Subsection 3314.12, the Director determines that the increase will not adversely affect the pubic space or any other factor identified in Subsection 3314.13(d), and for the seven (7)-day period prior to the petition, thee petition demonstrates any of the following:
- (1) The percentage of trips meeting the criteria of Subsection 3314.11(c) that took place was at least eleven percent (11%);
 - (2) The percentage of trips meeting the criteria of Subsection 3314.11(f) that took place was at least 11%; or
 - (3) The combined percentage of trips meeting the criteria of Subsection 3314.11(c) or 3314.11(f) that took place was a total of at least twenty-two percent (22%) of all trips.

- 3314.14 The Director shall not authorize a dockless vehicle operating company to operate more than two thousand, five hundred (2,500) dockless electric scooters before January 2022.
- 3314.15 The Director may defer the payment deadline for all fees imposed under Section 3314 that would otherwise be due between March 1, 2020 and October 9, 2020, if the Director determines that the deferral is appropriate due to the closure of the office, or reduction in services, of the Department due to COVID-19. Such deferral shall be until no later than October 30, 2020, unless fees are waived pursuant to Subsection 3314.16.
- 3314.16 The Director may waive per-vehicle fees that would otherwise be due between March 1, 2020 and October 9, 2020.
- 3314.17 To be eligible for a waiver of fees under Subsection 3314.16, a dockless vehicle operating company shall demonstrate, no later than October 30, 2020, that at least one thousand (1,000) trips of at least five (5) minutes that took place between April 27, 2020 and October 9, 2020 were taken by a person who participated in the company’s low-income customer plan, as described in Subsection 3314.11(c), and that either:
 - (a) At least ten percent (10%) of all trips during this period were taken by a person who participated in the company’s low-income customer plan, as described in Subsection 3314.11(c); or
 - (b) At least five hundred (500) trips during this period were taken under an essential worker customer plan, as defined in Subsection 3314.11(f).
- 3314.18 [RESERVED]

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.06(10); 38-1202.01(a)(7) (2018 Repl. & 2019 Supp.)), hereby gives notice of the adoption of an amendment to Chapter 2 (Administration and Management) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR),

The purpose of this rule is to amend Title 8-B DCMR Section 200 of the University Rules to provide that in the event of a vacancy in the position of the President, the Chief Academic Officer shall immediately become Interim President, unless the Board of Trustees makes a different appointment.

A Notice of Proposed Rulemaking was published in *D.C. Register* on July 10, 2020 at 67 DCR 8504 for a thirty (30) day public comment period in accordance with D.C. Official Code §2-505(a). No public comment was received by the Board during the public comment period.

The rule was adopted by the Board as final on September 22, 2020 and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 2, ADMINISTRATION AND MANAGEMENT, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Subsection 200.2 of Section 200, THE PRESIDENT OF THE UNIVERSITY, is amended as follows:

200.2 Upon the permanent vacancy in the Office of President, the Chief Academic Officer, shall immediately become Interim President, unless the Board of Trustees makes a different appointment. The appointment of the Chief Academic Officer as Interim President must be approved by the Board within 7 days of the vacancy of the Office of President. During the period before approval, the Chief Academic Officer shall only exercise administrative duties to maintain operations of the University. After approval by the Board of the appointment of the successor, the successor shall exercise such powers as authorized by the Board.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.06(10); 38-1202.06(8) (2018 Repl. & 2019 Supp.)), hereby gives notice to amend Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rule is to revise the student health insurance fees the University charges students.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on July 10, 2020 at 67 DCR 8505 for a thirty-day (30) public comment period in accordance with D.C. Official Code §2-505(a). No public comment was received by the Board during the public comment period. The rule was adopted by the Board as final on September 22, 2020, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Subsection 728.9(q) of Section 728, TUITION AND FEES: DEGREE- GRANTING PROGRAMS, is amended as follows:

- | | |
|------------------------------|---|
| (q) Student Health Insurance | \$1353(Fall Enrollment)
\$793(Spring Enrollment)
\$327 (Summer 1 Enrollment)
\$171 (Summer 2 Enrollment) |
|------------------------------|---|

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.06(8) (2018 Repl. & 2019 Supp.)), hereby gives notice of its amendment to Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rule is to amend Title 8-B DCMR, Chapter 7, Section 728 to consolidate a wide range of fees assessed uniformly to all enrolled students in the University and the Law School.

The substance of the rules adopted herein were published in a Notice of Proposed Rulemaking on July 10, 2020 at 67 DCR 8506 for a thirty (30) day public comment period in accordance with D.C. Official Code §2-505(a). No public comment was received by the Board within the public comment period.

The rule was adopted by the Board as final on September 22, 2020 and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 728, TUITION AND FEES: DEGREE- GRANTING PROGRAMS, is amended by adding the following Subsection 728.13:

728.13 A student fee not to exceed \$430.00 for certain mandatory activities, including but not limited to athletics, health services, technology, student center, career services and sustainability fees assessed uniformly to all enrolled students in the University and law school shall be charged each semester and summer term. An additional fee for all enrolled law students not to exceed \$295.00 for activities at the law school each semester and summer term.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

Z.C. CASE NO. 19-13¹

(Text Amendment – Subtitles B-G, I, J, & U of Title 11 DCMR regarding Alley Lots)
September 14, 2020

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of the following amendment to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [Zoning Regulations], to which all references are made unless otherwise specified).

The text amendment clarifies the application of the requirements for alley lots, as follows:

- Subtitle B (Definitions, Rules of Measurement, and Use Categories) – §§ 100, 307, and 308
- Subtitle C (General Rules) – §§ 302, 303, & 306
- Subtitle D (Residential House (R) Zones) – Chapter 51
- Subtitle E (Residential Flat (RF) Zones) – Chapter 51
- Subtitle F (Residential Apartment (RA) Zones) – Chapter 51
- Subtitle G (Mixed-Use (MU) Zones) – Chapter 11
- Subtitle I (Downtown (D) Zones) – § 210
- Subtitle J (Production, Distribution, and Repair (PDR) Zones) – Chapter 3
- Subtitle U (Use Permissions) – §§ 600 and 601

Setdown

On June 28, 2019, the Office of Planning (OP) filed a petition proposing these changes that would clarify the regulations governing alley lots - including the minimum alley centerline setback, the process for converting alley tax lots to alley record lots, and the ability to hold limited performances or art shows in alley artist studios - and ensure consistent language across different subtitles. The OP setdown report included a graphic illustration of the existing alley tax lots that would be affected by the proposed text amendment.

At its public meeting on July 8, 2019, the Commission voted to grant OP's request to set down the proposed text amendment for a public hearing.

OP submitted a July 6, 2020, hearing report (OP Hearing Report) that responded to the Commission's questions at its setdown meeting, specifically:

- The impact of the proposed text amendment on previous cases before the Board of Zoning Adjustment; and
- An analysis of the turning radii for vehicles and garage entry based on input from the District Department of Transportation, as well as an architect and transportation consultant experienced

¹ For Office of Zoning tracking only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 19-13.

in designing and analyzing alley garages, that confirmed that a 15-foot alley width created by the 7.5-foot minimum alley centerline setback was adequate and sufficient for garage access;

- An explanation of the proposed limited artist performances.

The OP Hearing Report provided a breakdown of the existing alley lots that would be impacted by the proposed text amendment and proposed updated text that made minor changes to clarify the intent of the proposed text amendment.

ANC Reports

Advisory Neighborhood Commission (ANC) 6B submitted a June 22, 2020, report that supported the proposed text amendment because it would support the Mayor's Housing Equity Framework to add 3200 units to the Capitol Hill Planning Area by 2025 by:

- Increasing residential use on alleys;
- Aligning historic record lots and historic tax lots under the Zoning Regulations; and
- Allow artist studios to include limited performances.

ANC 6C submitted a July 13, 2020, report that supported the proposed text amendment but proposed the following revisions:

- The proposed 7.5-foot alley centerline setback for alley lots be extended to cover garages and accessory structures on non-alley lots (currently 12 ft.); and
- Including specific criteria, such as including traffic and parking for special exception relief for alley lot subdivisions in addition to reports from relevant agencies.

The Commission received public comments both opposed to and supporting the proposed text amendment, with several comments in support recommending changes that would reduce the current limitations on development of alley lots.

Public Hearing

At its July 13, 2020, public hearing, the Commission heard from:

- OP, which testified in support of the proposed text amendment and responded to the written comments in the record and to the Commission's questions;
- ANCs 6B and 6C, which testified in support, repeating the substance of their respective reports; and
- Members of the public, who testified in support of the proposed text amendment but proposing changes that would reduce the current limitations on development of alley lots.

The Commission noted that it favored consideration of many of the suggested revisions proposed by public comments and testimony but did not want to delay the proposed text amendment by incorporating these revisions, which the Commission believed would require further analysis by OP. The Commission did agree with OP to incorporate ANC 6C's request to incorporate specific special exception criteria for traffic and parking into this proposed revision.

Proposed Action

At the close of the public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the text advertised in the public hearing notice, as modified by the revisions proposed by the OP

Hearing Report and the specific special exception criteria proposed by ANC 6C, and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (July 13, 2020): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, Michael G. Turnbull to **APPROVE**)

Notice of Proposed Rulemaking

The Commission published the proposed amendment as a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* (67 DCR 9532, *et seq.*) on August 7, 2020.

No comments to the NOPR were received in the thirty (30)-day period required by Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.).)

National Capital Planning Commission (“NCPC”)

The Commission referred the proposed amendment to the National Capital Planning Commission (NCPC) on July 14, 2020, for the thirty (30)-day review period required by § 492 of the District Charter.

NCPC filed a report dated September 2, 2020, stating that it had determined, pursuant to delegated authority, that the proposed amendment was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests. (Exhibit 30.)

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

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

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission finds ANC 6B’s report persuasive in its support for the text amendment as supporting expanded residential opportunities in the District and concurs in that judgment.

The Commission finds ANC 6C's report persuasive in its support for the text amendment as well as its suggestion to retain specific special exception criteria and concurs in that judgment. The Commission does not find persuasive ANC 6C's proposal to extend the seven and one-half foot (7.5 ft.) alley centerline setback for alley lots to accessory buildings on non-alley lots because that is outside of the text amendment's focus on alley lots and more appropriate to a future text amendment on accessory buildings.

Final Action

At its September 14, 2020, public meeting, the Zoning Commission voted to take **FINAL ACTION** and to authorize the publication of a Notice of Final Rulemaking:

VOTE (September 14, 2020): 5-0-0 (Robert E. Miller, Peter G. May, Anthony J. Hood, Peter A. Shapiro, Michael G. Turnbull to **APPROVE**)

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>.

The following amendments to the text of the Zoning Regulations are hereby adopted.

I. 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 amended by revising the definitions of "Alley" and "Lot, Alley," by adding a new definition of "Lot Line, Alley," and by reordering in alphabetical order, to read as follows:

...²

Alley: A public way, whether named or unnamed, designated as an alley in the records of the Surveyor of the District of Columbia. An alley is not a street for the purposes of this title.

...

Lot: The land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

Lot Line, Alley: A lot line that abuts an alley.

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.

Lot Line, Street: A lot line that abuts a street.

Lot Lines: The lines bounding a lot as defined in this section.

Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings on the lot.

Lot of Record: A lot recorded on the records of the Surveyor of the District of Columbia.

Lot Width: The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines. When the building line is on a skew, the width of the lot shall be the distance between side lot lines perpendicular to the axis of the lot taken where either side lot line intersects the building line.

Lot, Alley: A lot that (i) faces or abuts an alley; (ii) does not face or abut a street at any point, and (iii) is recorded either on the records of the D.C. Surveyor (an “Alley Record Lot”) or on the records of the D.C Office of Tax and Revenue (an “Alley Tax Lot”).

Lot, Corner: A lot fronting on two (2) or more streets at their junction, with the streets forming with each other an angle of forty-five degrees (45°) up to and including one hundred thirty-five degrees (135 °).

Lot, Interior: A lot other than a corner lot or a triangular lot.

Lot, Theoretical: A lot determined by dividing the subdivided into theoretical building sites.

Lot, Through: An interior lot having frontage on two (2) or more streets where the streets differ in direction by forty-five degrees (45°).

Lot, Triangular: A lot fronting on two (2) streets at their junction, the streets, forming with each other an angle of less than forty-five degrees (45°).

Main Floor: The floor of the story in which the principal entrance of a building is located.

...

Section 307, RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising § 307.1 and by adding a new § 307.8, to read as follows:

307.1 In other than residential zones, as defined in Subtitle A § 101.9, and except as permitted elsewhere in this section and the regulations, the building height measuring point (BHMP) shall be established at the level of the curb, opposite the middle of the front of the building, and the building height shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or to a point designated by a specific zone district; except that Alley Lots shall be regulated by Subtitle B § 307.8.

...

307.8 For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the Alley Lot Line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be the vertical distance measured from the BHMP to the highest point of the roof or parapet or to a point designated by the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.

Section 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising §§ 308.1 and 308.2 and by adding a new § 308.9, to read as follows:

308.1 The height of buildings, not including a penthouse, in residential zones, as defined in Subtitle A § 101.9, shall be measured in accordance with the rules provided in this section; except that the height of buildings on Alley Lots shall be regulated by Subtitle B § 308.9. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line. For any excavations projecting from the building’s façade other than an exception to grade as defined at Subtitle B § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.

...

308.9 For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the alley lot line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be measured in accordance with Subtitle B §§ 308.2 through 308.4 and the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.

II. Amendments to Subtitle C, GENERAL RULES

Subsection 302.1 of § 302, SUBDIVISION REGULATIONS, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is amended to read as follows:

- 302.1 Where a lot is divided, the division shall be effected in a manner that will not violate the provision of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created; except that:
 - (a) A non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to May 12, 1958, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.3, may be converted to a record lot without complying with these development standards; and
 - (b) A non-Alley Lot recorded as a tax lot with the Office of Tax and Revenue prior to September 6, 2016, which shared an underlying record lot with an Alley Tax Lot that has been converted to an Alley Record Lot under Subtitle C § 306.4, may be converted to a record lot if granted by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9.

Section 303, LOT FRONTAGE, of Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, is amended by revising § 303.1 and by deleting § 303.3 and renumbering current §§ 303.4 and 303.5 as new §§ 303.3 and 303.4, to read as follows:

- 303.1 All new record lots shall have at least one (1) street lot line on a public street or a public access easement approved by the District Department of Transportation, except that new Alley Record Lots shall instead comply with the rules of Subtitle C § 306.
- 303.2 Where a minimum lot width is required ...
- 303.3 Each new lot being created to be used and occupied by a single dwelling ...
- 303.4 Each new lot being created to be used and occupied by an apartment house ...

A new § 306, NEW ALLEY RECORD LOTS, is added to Chapter 3, SUBDIVISION, of Subtitle C, GENERAL RULES, as to read follows:

306 NEW ALLEY RECORD LOTS

- 306.1 A new Alley Record Lot shall:

- (a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), with the alley frontage no less than fourteen feet (14 ft);
- (b) Have access to a public street through a public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the new Alley Record Lot and the street;
- (c) Meet the lot area standards applicable for non-Alley Lots in the same zone; if no minimum lot area standard is provided, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and
- (d) Not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.

306.2 An Alley Record Lot may be combined with an abutting Alley Record Lot to create a larger Alley Record Lot without meeting the requirements of Subtitle C §§ 306.1.

306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:

- (a) Has a minimum square footage of four hundred and fifty square feet (450 sq. ft.); or
- (b) Is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

- (a) The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and
- (b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (1) Department of Transportation (DDOT);

- (2) Department of Public Works (DPW);
- (3) Metropolitan Police Department (MPD);
- (4) Fire and Emergency Medical Services Department (FEMS);
- (5) DC Water (WASA); and
- (6) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

Subsection 711.7 of § 711, ACCESS REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is revised to read as follows:

711.7 Except for Alley Lots, when parking spaces are provided within a building or structure, all vehicular entrances or exits shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley for a minimum height of ten feet (10 ft.).

III. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

The title of Chapter 51, ALLEY LOT REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended to read as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (R)

Chapter 51, ALLEY LOT REGULATIONS (R), of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended by revising § 5100, GENERAL PROVISIONS, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, and by deleting §§ 5101 through 5107³, to read as follows:

5100 GENERAL PROVISIONS

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the R zones:

³ Former § 5108 of Subtitle D was deleted effective with the July 3, 2020, publication in the *D.C. Register* of a Notice of Final rulemaking in Z.C. Case No. 19-14.

TABLE D § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (R)

(a) Maximum Height	20 ft. and 2 stories, including the penthouse
(b) Maximum Lot Occupancy	
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 and 2,000 sq. ft. of lot area	90%
Over 2,000 sq. ft. of lot area	80%
(c) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(e) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(f) Minimum Pervious Surface	10%

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

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

The title of Chapter 51, ALLEY LOT REGULATIONS, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended to read as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (RF)

Chapter 51, ALLEY LOT REGULATIONS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended by revising § 5100, GENERAL PROVISIONS, and by deleting §§ 5101 through 5107⁴, to read as follows:

5100 GENERAL PROVISIONS

5100.1 The following development standards shall apply to buildings on Alley Record Lots in the RF zones:

TABLE E § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RF)

(a) Maximum Height	20 ft. and 2 stories, including the penthouse
(b) Maximum Lot Occupancy	
Less than 1,800 sq. ft. of lot area	N/A
Between 1,800 and 2,000 sq. ft. of lot area	90%
Over 2,000 sq. ft. of lot area	80%
(c) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(e) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(f) Minimum Pervious Surface	10%

⁴ Former § 5108 of Subtitle E was deleted effective with the July 3, 2020, publication in the *D.C. Register* of a Notice of Final Rulemaking in Z.C. Case No. 19-14.

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

V. Amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

The title of Chapter 51, ALLEY LOT REGULATIONS, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended to read as follows:

CHAPTER 51, ALLEY LOT REGULATIONS (RA)

Chapter 51, ALLEY LOT REGULATIONS (RA), of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended by revising § 5100, GENERAL PROVISIONS, and by deleting §§ 5101 through 5106⁵, to read as follows:

5100 GENERAL PROVISIONS

5100.1 The following development standards shall apply to buildings on Alley Record Lots in RA zones:

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)

(a) Maximum Height	20 ft. and 2 stories, including the penthouse
(b) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(c) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e) Minimum Pervious Surface	10%

5100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

VI. Amendments to Subtitle G, MIXED-USE (MU) ZONES

The title of Chapter 11, ALLEY LOT REGULATIONS FOR MU ZONES, of Subtitle G, MIXED-USE (MU) ZONES, is amended to read as follows:

CHAPTER 11 ALLEY LOT REGULATIONS (MU)

Chapter 11, ALLEY LOT REGULATIONS (MU), of Subtitle G, MIXED-USE (MU) ZONES, is amended by revising § 1100, GENERAL PROVISIONS, and by deleting §§ 1101 through 1106, to read as follows:

1100 GENERAL PROVISIONS

⁵ Former § 5107 of Subtitle F was deleted effective with the July 3, 2020, publication in the *D.C. Register* of a Notice of Final Rulemaking in Z.C. Case No. 19-14.

1100.1 The following development standards shall apply to buildings on Alley Record Lots in MU zones:

TABLE G § 1100.1: ALLEY LOT DEVELOPMENT STANDARDS (MU)

(a) Maximum Height	
MU-6, MU-8, MU-9, MU-10, MU-19, MU-20, MU-22, MU-29, and MU-30 zones	30 ft. and 3 stories, including the penthouse
All other MU zones	20 ft. and 2 stories, including the penthouse
(b) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(c) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e) Minimum Green Area Ratio (GAR)	As required by zone

1100.2 Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

VII. Amendments to Subtitle I, DOWNTOWN (D) ZONES

Subsection 210.3 of § 210, ALLEY LOTS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN (D) ZONES, is amended to read as follows:

210.3 Residential use is permitted, subject to the following conditions:

- (a) A building may not be constructed or converted to a single or multiple dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and
- (b) The Alley Lot has access to an improved public street as follows:
 - (1) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the Alley Lot and the street; or
 - (2) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley or alleys with an alley width of not less than fifteen feet (15 ft.) at any point.

VIII. Amendments to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

The title of Chapter 3, ALLEY LOT REGULATIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended to read as follows:

CHAPTER 3, ALLEY LOT REGULATIONS (PDR)

Chapter 3, ALLEY LOT REGULATIONS (PDR), of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended by revising § 300, GENERAL PROVISIONS, and by deleting § 301, DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS, to read as follows:

300.1 The following development standards shall apply to buildings on Alley Record Lots in PDR zones:

TABLE J § 300.1: ALLEY LOT DEVELOPMENT STANDARDS (PDR)

(a) Maximum Height	
If the alley lot is located in a square with R or RF zoned properties	20 ft., including the penthouse
All other alley lots	30 ft., including the penthouse
(b) Minimum Rear Yard	5 ft. from any lot line of all abutting non-Alley Lots
(c) Minimum Side Yard	5 ft. from any lot line of all abutting non-Alley Lots
(d) Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys

IX. Amendments to Subtitle U, USE PERMISSIONS

The title of Chapter 6, USE PERMISSIONS FOR ALLEY LOT, of Subtitle U, USE PERMISSIONS, is amended to read as follows:

CHAPTER 6, USE PERMISSIONS FOR ALLEY LOTS

Subsection 600.1 of § 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is amended by revising paragraphs (b), (e), and (f), to read as follows:

600.1 The following uses shall be permitted as a matter-of-right on an Alley Lot in the R, RF, and RA zones subject to any applicable conditions:

- (a) Agricultural, both residential and large;
- (b) Artist studio inside a building, subject to the following conditions:
 - (1) An artist may teach one (1) or more apprentices;
 - (2) Regular occupancy of the building shall be limited to one (1) artist and one (1) apprentice for each four hundred and fifty square feet (450 sq. ft.) of gross floor area;

- (3) All operations and storage of materials shall occur inside the building;
 - (4) Incidental sales of artwork produced by the occupants of the studio shall be permitted within the studio;
 - (5) Noise volume shall be governed by the regulations of Title 20 DCMR (Environment);
 - (6) Rehearsals for performing arts may be undertaken in the artist studio; and
 - (7) A maximum of five (5) art shows or performances open to the public are permitted per calendar year, and occupancy for the art show or performance shall be governed by the regulations of Title 12-H (Fire Code).
- (c) Camping by the owner ...
- (d) Community solar facility ...
- (e) Parking, subject to the following conditions:
- (1) Surface parking spaces for use by residents of the square;
 - (2) Not more than two (2) car-sharing spaces shall be permitted on any one Alley Lot; and
 - (3) Parking garage on an Alley Lot not containing another use shall meet the following conditions:
 - (A) No more than two (2) motor vehicles may be housed on the Alley Lot;
 - (B) The building may not exceed four hundred fifty square feet (450 sq. ft.); and
 - (C) The garage door shall open directly onto an alley; and
- (f) Residential use, subject to the following conditions:
- (1) The Alley Lot is not wholly or partially within the R-1-A, R-1-B, R-2, R-6 through R-12, R-14 through R-16, or R-19 through R-21 zones;

- (2) A building may not be constructed as or converted to a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
- (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;
- (4) The Alley Lot has access to an improved public street as follows:
 - (A) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the lot and the public street; or
 - (B) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley or alleys with an alley width of not less than fifteen feet (15 ft.) at any point; and
- (5) The dwelling unit may also contain a parking garage for use by residents of the dwelling.

Subsection 601.1 of § 601, SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, of Subtitle U, USE PERMISSIONS, is amended by adding new paragraphs (a) and (b) and renumbering current paragraphs (a) to (e) as new paragraphs (c) to (g) and by revising new paragraphs (e), and (f), to read as follows:

601.1 The following uses shall be permitted on an Alley Lot in the R, RF, and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any specific provisions of each section:

- (a) [RESERVED]
- (b) Artist studio not meeting the criteria of Subtitle U § 600.1(b), subject to the following conditions:
 - (1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and
 - (2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to other properties in the square;
- (c) No camp or any temporary place ...

- (d) Community solar facility ...
- (e) Parking uses not meeting the criteria of Subtitle U § 600.1(e), subject to the following conditions:
 - (1) Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees or visitors; and
 - (2) The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which the use is located;
- (f) Residential use not meeting the criteria of Subtitle U § 600.1(f), subject to the following conditions:
 - (1) The Alley Lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;
 - (2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;
 - (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;
 - (4) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety; and infrastructure availability;
 - (5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (A) Department of Transportation (DDOT);
 - (B) Department of Public Works (DPW);
 - (C) Metropolitan Police Department (MPD);
 - (D) Fire and Emergency Medical Services Department (FEMS);
 - (E) DC Water (WASA); and

- (F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and
- (6) The Board of Zoning Adjustment shall consider relevant agency comments concerning:
 - (A) Public safety;
 - (B) Water and sewer services;
 - (C) Waste management;
 - (D) Traffic and parking;
 - (E) Historic preservation; and
- (g) Storage of wares or goods on an Alley Lot provided that the use shall be limited to the following:
 - (1) No storage ...

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on October 30, 2020.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

Z.C. Case No. 20-11¹

(Text Amendment – Subtitles Y and Z of Title 11 DCMR)
(Virtual Public Hearing and Meeting Procedures)
October 15, 2020

The Zoning Commission for the District of Columbia (the Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its amendment of the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the specific text at end of this notice:

- Subtitle Y, Board of Zoning Adjustment Rules of Practice & Procedure - §§ 103, 206, and 401
- Subtitle Z, Zoning Commission Rules of Practice & Procedure - §§ 103, 206, and 401

Setdown

On May 11, 2020, the Office of Zoning (OZ) filed a petition to the Commission proposing the text amendment to clarify the procedural rules for virtual public hearings and meetings in response to the suspension of in-person public hearings and meetings caused by the ongoing COVID-19 pandemic and resulting modifications of District government operations. OZ's proposed text amendment included updating ANC notice and posting requirements for expedited review applications to the Board of Zoning Adjustment and requiring electronic submission of comments and exhibits at least 24 hours prior to the start of the public hearing or meeting. OZ requested that the Commission:

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

Emergency & Proposed Action

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

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

¹ For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 17-23.

The Commission concluded that taking emergency action to adopt the proposed text amendment is necessary for the “immediate preservation of the public ... welfare,” as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), in order to allow the continuation of public hearings and meetings despite the suspension of in-person public hearings and meetings due to the ongoing COVID-19 pandemic, with the attendant risk to the District’s economic condition.

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

First Emergency Rule

The emergency rule was effective as of the Commission’s May 11, 2020, vote and was superseded by the August 21, 2020, publication in the *D.C. Register* of the Notice of Second Emergency and Proposed Rulemaking (see below), prior to the original emergency rule’s expiration on September 8, 2020, the one hundred-twentieth (120th) day after the adoption of the original emergency rule.

Notice of Emergency and Proposed Rulemaking

The Commission published a Notice of Emergency and Proposed Rulemaking (NOEPR) in the May 29, 2020 *D.C. Register* (67 DCR 5603).

The Commission received one comment to the NOEPR – a July 2, 2020, letter from the Committee of 100 on the Federal City (C100). The C100 letter acknowledged the need for virtual public meetings and hearings, but raised the following issues:

- Equal access to the public, some of whom may not have access to internet or sufficient bandwidth to stream virtual public meetings and hearings:
 - Recommended that virtual public hearing notices and meetings include statement that case files available online at public libraries and that public may participate through terminals at public libraries; and
 - Recommended that the Commission consider the hours of service of public libraries when scheduling virtual public meetings and hearings;
- Ease of public participation:
 - Recommended additional notice to owners of property within two hundred feet (200 ft.) of a property for which a zoning case is proposed to be considered at a virtual public hearing;
 - Agreed with the current text allowing public witnesses to sign up at any time before the conclusion of the public testimony portion of a virtual public meeting or hearing, which reflects the current practice for in-person public meeting or hearings of allowing “walk-ins” (public witnesses signing up during the public witness testimony portion of an in-person public meeting or hearing); and
 - Recommended making automatic, instead of at the Commission’s or Board’s discretion, the text amendment’s permission for public witnesses who were unable to testify due to technical difficulties to request to reopen the record to include a written version of their planned oral testimony; and
- Sufficient time for parties to respond to exhibits introduced just before or at a virtual public meeting or hearing:

- Recommended requiring exhibits to be submitted earlier than prior to the start of a virtual public meeting or hearing; and
- Recommended making automatic, instead of at the discretion of the Board or Commission, providing additional time for parties to respond to exhibits introduced just before or at a virtual public meeting or hearing; and
- Procedures for “hybrid,” or part in-person/part virtual, public meetings and hearings:
 - Recommended that these should be considered in a separate text amendment, after the Commission and Board have experience with virtual public meetings and hearings.

Second Emergency & Proposed Action

OZ filed a July 29, 2020 memo, based on consultation with OAG, proposing revisions to the original text amendment based on the experience of holding virtual public hearings and meetings in the period following the Commission’s May 11, 2020, original emergency action in this case. OZ requested that the Commission:

- Take emergency action to adopt the revised version of the text amendment to completely supersede the prior adopted version; and
- Authorize an immediate publication of a second (2nd) proposed rulemaking for the complete text amendment.

Public Hearing

At its July 30, 2020 public meeting, OZ and OAG testified and responded to questions and concerns raised by the Commission. No entity or person appeared to testify.

After closing the public hearing, the Commission voted to grant OZ’s request to:

- Take emergency action to adopt the revised text amendment to completely supersede the prior adopted and published version; and
- Authorize immediate publication of a second (2nd) proposed rulemaking for the complete revised text amendment.

In taking these actions, the Commission granted flexibility to OAG and OZ to revise the text to address the issues raised by the Commission, including:

- Allowing applicants and parties to cases to request to participate at the hearing in an in-person or online virtual mode; and
- Defining “live video” to not include pre-recorded video, whether introduced prior to a hearing or at the hearing, or live video testimony only showing the witness(es) testifying.

The Commission concluded that taking emergency action to adopt the proposed text amendment is necessary for the “immediate preservation of the public ... welfare,” as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), in order to allow the continuation of public hearings and meetings despite the suspension of in-person public hearings and meetings due to the ongoing COVID-19 pandemic, with the attendant risk to the District’s economic condition.

VOTE (July 30, 2020): **4-0-1** (Robert E. Miller, Peter A. Shapiro, Anthony J. Hood, and Michael G. Turnbull to **APPROVE**; Peter G. May not present, not voting)

First Emergency Rule

This First Emergency Rule was effective as of the Commission's May 11, 2020, vote and was superseded by the Commission's July 30, 2020, vote to adopt the Second Emergency Rule (see below).

Second Emergency Rule

This Second Emergency Rule was effective as of the Commission's July 30, 2020 vote, and superseded the First Emergency Rule, which otherwise would have expired on September 8, 2020, the one hundred-twentieth (120th) day after its adoption. This Second Emergency Rule is superseded by the publication of this Notice of Final Rulemaking in the *D.C. Register* (see effective date at the end of this notice), prior to the Second Emergency Rule's expiration on November 27, 2020, the one hundred-twentieth (120th) day after its adoption.

The Commission received no comments in response to the NOSEPR (published in the August 21, 2020 *D.C. Register* (67 DCR 10019)).

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of the Office of Planning (OP) pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

Since OP did not file a report responding to OZ's petition², the Commission has nothing to which it may give great weight.

"Great Weight" to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

Since no ANC filed a response to either the NOEPR or the NOSEPR, the Commission has nothing to which it may give great weight.

² Although OP did not file a report, the Commission proceeded with the public hearing after 45 days following the submission of the petition, pursuant to Subtitle Z § 504.5.

Final Action

At the close of its October 15, 2020, public meeting, the Commission voted to take **FINAL ACTION** and to authorize the publication of a Notice of Final Rulemaking:

VOTE (October 15, 2020): **5-0-0** Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

The complete record in the case is available on the Interactive Zoning Information System (IZIS) on the Office of Zoning website at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

The following amendments to the text of the Zoning Regulations are hereby adopted.

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

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

- 103.12 If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement shall be on the website of the Office of Zoning and may include a sign placed at the entrance to the Board's hearing room.
- 103.13 The Board may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Board for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the provisions of this subtitle, as modified by the following:
- (a) An applicant or appellant, as part of its application or appeal, may request to present its case and participate at the public hearing as in an online virtual or in-person-mode; provided that:
 - (1) The request:
 - (A) Explains the specific reasons why the applicant or appellant can only participate in its chosen mode;
 - (B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and

- (C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;
- (2) A party, as part of its party status request, or the first filing by an affected ANC, may request to present and participate in the case in an online virtual or in-person mode, provided the request:
 - (A) Explains the specific reasons why the party can only participate in its chosen mode;
 - (B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and
 - (C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;
- (3) The Board, based on the request(s) and in its sole discretion, shall schedule the public hearing to be partially or completely in an online virtual or in-person mode;
- (b) The posting of the public hearing notice for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Y § 103.6 to be “available at” the public hearing or meeting;
- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;
- (d) A party, witness, agency representative, or party status requestor shall be deemed to “appear” or to be “present” if available for testimony, questioning, and cross-examination during the applicable hearing or meeting by the videoconference, teleconference, or other electronic means identified by the Board;
- (e) The Board may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Board;
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Board;
- (g) Exhibits, other than live video as defined in Subtitle Y § 103.13(h), may be entered into evidence at an online virtual public hearing; provided that:
 - (1) The person making the request to enter an exhibit explains:

- (A) How the proposed exhibit is relevant;
 - (B) The good cause that justifies allowing the exhibit into the record, including an explanation of why the requester did not file the exhibit prior to the hearing pursuant to Subtitle Y § 206; and
 - (C) How the proposed exhibit would not unreasonably prejudice any party;
- (2) Parties shall simultaneously serve exhibits proposed to be entered into the record on all other parties by email;
 - (3) The Board determines that the proposed exhibit is relevant and that the requester demonstrated good cause to enter the exhibit and no unreasonable prejudice to any party would occur thereby; and
 - (4) If the Office of Zoning is unable to display an exhibit publicly during the online virtual public hearing, the Board may keep the record open for submission of the exhibit or provide other accommodations the Board deems appropriate; and
- (h) Live video, defined as the simultaneous online streaming transmission of video that shows anything other than a witness testifying in a fixed location and excluding pre-recorded video, may not be presented as part of the testimony of an individual or party at a virtual public hearing;
 - (i) The Board may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Board deems appropriate;
 - (j) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Board, the details of which shall be provided on the Office of Zoning website;
 - (k) Any person desiring to testify in an online virtual public hearing shall sign up with the Office of Zoning prior to the conclusion of public testimony at the online virtual public hearing in accordance with the instructions provided on the Office of Zoning website;
 - (l) As part of signing up to testify:

- (1) All persons shall perform the required oath or affirmation, provided that a witness that was unable to do so prior to testifying may be sworn in at the virtual hearing; and
 - (2) The Office of Zoning shall provide the opportunity for the witness to submit a written version of the planned oral testimony to the record if filed at least twenty-four (24) hours before the start of the public hearing as established by Subtitle Y § 206;
- (m) An individual or organization representative who is unable to testify at a public hearing due to technical issues out of the requester's control may file a request to reopen the record to submit a separate written version of the planned oral testimony in accordance with the time limits for testimony; provided that:
- (1) The written version of the planned oral testimony is included as a separate document;
 - (2) The request demonstrates good cause for the submission and that granting the request would not unreasonably prejudice a party, including:
 - (A) An explanation of the specific technical issues that prevented the testimony during the public hearing;
 - (B) How these issues were out of the control of the requester; and
 - (C) How the planned oral testimony differed from the written version submitted to the record prior to the start of the public hearing or why the requester did not submit a written version to the record prior to the public hearing; and
 - (3) The request is submitted to the record within the twenty-four (24) hours following the conclusion of public testimony in the hearing;
- (n) If the Presiding Officer grants a request filed under Subtitle Y § 103.13(m), the Presiding Officer shall establish a reasonable time within which parties may respond and the Director shall enter the written version of the planned oral testimony into the record and notify the parties of the deadline to respond;
- (o) The Board shall not issue an order in a case with a virtual public hearing until at least forty-eight (48) hours after the conclusion of the public hearing;

- (p) All votes shall be taken by roll call as required by § 2 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577(a)(3)); and
- (q) In the event that an online virtual public hearing or meeting is interrupted by technical difficulties such as the loss of the internet connectivity, the presiding officer, or if no member is present, the Secretary of the Board or Office of Zoning staff, may suspend the hearing or meeting; provided that notice of the suspension and of the date and time of the continued hearing or meeting shall be posted on the Office of Zoning website and e-mailed to the parties within twenty-four (24) hours of the suspension or as soon as is technically feasible.

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

- 206.3 Comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be accepted into the record electronically if submitted or e-mailed less than twenty-four (24) hours prior to the start of a public hearing or meeting at which the Board will consider the applicable case, except for exhibits to be introduced at a public hearing under Subtitle Y § 103.13(g).
- 206.7 All documents to be filed electronically through IZIS or by e-mail shall be in portable document format (PDF), except for pre-recorded video that shall be submitted as a digital file by e-mail, and shall not be accepted into the record if filed or e-mailed less than twenty-four (24) hours prior to the start of a public hearing or meeting at which the Board will consider the applicable case except for exhibits proposed to be introduced at a public hearing under Subtitle Y § 103.13(g).

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

- 401.4 Subject to the removal process described in Subtitle Y §§ 401.7 and 401.8, an eligible application that includes a waiver of hearing will be placed on an expedited review calendar and decided without hearing at the Board's next regularly scheduled session after:
- (a) The completion of the public notice procedures set forth in Subtitle Y § 402; and
 - (b) The completion of the affected ANC review period of thirty (30) days, as may be extended pursuant to the Advisory Neighborhood Commission Act

(D.C. Law 1-21; D.C. Official Code § 1-309.10), from the date it receives notice of the application, excluding Saturdays, Sundays, and holidays, plus an additional fourteen (14) days.

- 401.6 The public notice of an expedited review and the affected ANC notice of an application requesting expedited review shall also indicate:
 - (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.7 and 401.8; and
 - (b) That the only public notice of the hearing date for a removed application will be the posting of that date on the website of the Office of Zoning and may include posting on at the entrance to that office beginning on the date that the application was removed and continuing until the date of such hearing.

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

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

- 103.12 If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement shall be on the website of the Office of Zoning and may include a sign placed at the entrance to the Commission’s hearing room.
- 103.13 The Commission may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Commission for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the provisions of this subtitle, as modified by the following:
 - (a) An applicant, as part of its application, may request to present its case and participate at the public hearing in an online virtual or in-person-mode; provided that:
 - (1) The request:
 - (A) Explains the specific reasons why the applicant or appellant can only participate in its chosen mode;

- (B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and
 - (C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;
- (2) A party, as part of its party status request, or the first filing by an affected ANC, may request to present and participate in the case in an online virtual or in-person mode, provided the request
 - (A) Explains the specific reasons why the party can only participate in its chosen mode;
 - (B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and
 - (C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;
- (3) The Commission, based on the request(s) and in its sole discretion, shall schedule the public hearing to be partially or completely in an online virtual or in-person mode;
- (b) The posting of the public hearing notice for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Z § 103.6 to be “available at” the public hearing or meeting;
- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;
- (d) A party, witness, agency representative, or party status requestor shall be deemed to “appear” or to be “present” if available for questioning and cross-examination during the applicable hearing or meeting by the videoconference, teleconference, or other electronic means identified by the Commission;
- (e) The Commission may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Commission;
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Commission;

- (g) Exhibits, other than live video as defined in Subtitle Z § 103.13(h), may be entered into evidence at an online virtual public hearing; provided that:
- (1) The person making the request to enter an exhibit explains:
 - (A) How the proposed exhibit is relevant;
 - (B) The good cause that justifies allowing the exhibit into the record, including an explanation of why the requester did not file the exhibit prior to the hearing pursuant to Subtitle Z § 206; and
 - (C) How the proposed exhibit would not unreasonably prejudice any party;
 - (2) Parties shall ~~be~~ simultaneously serve exhibits proposed to be entered into the record on all other parties by email;
 - (3) The Commission determines that the proposed exhibit is relevant and that the requester demonstrated good cause to enter the exhibit and no unreasonable prejudice to any party would occur thereby; and
 - (4) If the Office of Zoning is unable to display an exhibit publicly during the online virtual public hearing, the Commission may keep the record open for submission of the exhibits or provide other accommodations the Commission deems appropriate; and
- (h) Live video, defined as the simultaneous online streaming transmission of video that shows anything other than a witness testifying in a fixed location and excluding pre-recorded video, may not be presented as part of the testimony of an individual or party at a virtual public hearing;
- (i) The Commission may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Commission deems appropriate;
- (j) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Commission, the details of which shall be provided on the Office of Zoning website;
- (k) Any person desiring to testify in an online virtual public hearing shall sign up with the Office of Zoning prior to the conclusion of public testimony at the online virtual public hearing in accordance with the instructions provided on the Office of Zoning website;

- (l) As part of signing up to testify:
 - (1) All persons shall perform the required oath or affirmation, provided that a witness that was unable to do so prior to testifying may be sworn in at the virtual hearing; and
 - (2) The Office of Zoning shall provide the opportunity for the witness to submit a written version of the planned oral testimony to the record if filed at least twenty-four (24) hours before the start of the public hearing as established by Subtitle Z § 206;
- (m) An individual or organization representative who is unable to testify at a public hearing due to technical issues out of the requester's control may file a request to reopen the record to submit a separate written version of the planned oral testimony in accordance with the time limits for testimony; provided that:
 - (1) The written version of the planned oral testimony is included as a separate document;
 - (2) The request demonstrates good cause for the submission and that granting the request would not unreasonably prejudice a party, including:
 - (A) An explanation of the specific technical issues that prevented the testimony during the public hearing;
 - (B) How these issues were out of the control of the requester; and
 - (C) How the planned oral testimony differed from the written version submitted to the record prior to the start of the public hearing or why the requester did not submit a written version to the record prior to the public hearing; and
 - (3) The request is submitted to the record within twenty-four (24) hours following the conclusion of public testimony in the hearing;
- (n) If the Presiding Officer grants a request filed under Subtitle Z § 103.13(m), the Presiding Officer shall establish a reasonable time within which parties may respond and the Director shall enter the written version of the planned oral testimony into the record and notify the parties of the deadline to respond;

- (o) The Commission shall not issue an order in a case with a virtual public hearing until at least forty-eight (48) hours after the conclusion of the public hearing;
- (p) All votes shall be taken by roll call as required by § 2 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577(a)(3)); and
- (q) In the event that an online virtual public hearing or meeting is interrupted by technical difficulties such as the loss of the internet connectivity, the presiding officer, or if no member is present, the Secretary of the Commission or Office of Zoning staff, may suspend the hearing or meeting; provided that notice of the suspension and of the date and time of the continued hearing or meeting shall be posted on the Office of Zoning website and e-mailed to the parties within twenty-four (24) hours of the suspension or as soon as is technically feasible.

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

- 206.3 Comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be accepted into the record electronically if submitted or e-mailed less than twenty-four (24) hours prior to the start of a public hearing or meeting at which the Commission will consider the applicable case, except for exhibits to be introduced at a public hearing under Subtitle Z § 103.13(g).
- 206.7 All documents to be filed electronically through IZIS or by e-mail shall be in portable document format (PDF), except for pre-recorded video that shall be submitted as a digital file by e-mail, and shall not be accepted into the record if filed or e-mailed less than twenty-four (24) hours prior to the start of a public hearing or meeting at which the Commission will consider the applicable case except for exhibits proposed to be introduced at a public hearing under Subtitle Z § 103.13(g).

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on October 30, 2020.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.06(10); 38-1202.06(13)(16) (2018 Repl. & 2019 Supp.)), hereby gives notice of its intent to amend Chapter 1 (Board of Trustees) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rulemaking is to amend Title 8-B DCMR, Chapter 1, Section 110.1(b) and Section 110.1(e), to add additional functions to the “Academic and Student Affairs Committee” and to eliminate the “Community College Committee”, and to amend Chapter 2, Section 211.1(c) and Section 212.1(a) of the University Rules to eliminate the position of “Chief Community College Officer” and to add additional functions to the position of “Chief Academic Officer”.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 1, BOARD OF TRUSTEES, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 110, COMMITTEES OF THE BOARD OF TRUSTEES, is amended as follows;

Subsection 110.1 is amended by striking the words “Community College Committee”

110.1(b) is amended by deleting it and replacing it in its entirety as follows:

110.1(b) The Academic and Student Affairs Committee shall consist of a chairperson and at least two (2) other members. It shall ensure that the academic programs of the University are consistent with the institution’s mission and strategies; that the faculty and students have adequate resources; that the academic budget reflects the institution’s academic priorities; that the faculty personnel policies and procedures complement academic priorities; that the students’ interest in the Board’s policy-making activities are adequately represented; that the institution’s academic programs are appropriate for its students; that technology is effectively used to enhance the academic programs of the University; that the institution assesses the effectiveness of its academic programs; that academic and workforce readiness and skills development programs of the Community College are appropriate for its students; and shall monitor philanthropic giving, fundraising and alumni affairs.

Subsection 110.1(e) is amended by deleting it in its entirety and redesignating the subsequent section (f) as (e) to read as follows:

110.1 (e) The Committee of the Whole shall consist of all members of the Board and shall have jurisdiction concurrent with that of any committee. The Committee of the Whole may also have jurisdiction over matters not subject to the jurisdiction of any established standing committee.

Chapter 2, ADMINISTRATION AND MANAGEMENT, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows

Section 211, EXECUTIVE APPOINTMENTS: NON-ACADEMIC ADMINISTRATORS, is amended as follows:

Subsection 211.1(c) is amended by deleting it in its entirety and redesignating the subsequent section letter citations to read as follows:

...

- (c) Chief of Staff: The Chief of Staff has authority over external affairs, coordinates the activities of the Offices of the Board and President, as well as the work of the Cabinet. The Chief of Staff reports to the President.
- (d) General Counsel: The General Counsel provides advice and counsel to the University stakeholders on all legal matters, and directs the activities of outside counsel working on behalf of the University. The General Counsel reports to the President with a dotted line to the Board.
- (e) Internal Auditor: The Internal Auditor is responsible for conducting internal audits of the University’s operations. The Internal Auditor reports to the President with a dotted line to the Board.

...

Section 212, EXECUTIVE APPOINTMENTS: ACADEMIC ADMINISTRATORS, is amended as follows:

Subsection 212.1(a) is amended by deleting it and replacing it in its entirety as follows:

212.1(a) Chief Academic Officer (CAO): The Chief Academic Officer has university wide authority over academic program coordination and quality including management and operations of the Community College and its Workforce Readiness and Skills Development programs. The CAO reports to the President.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39- Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to OfficeofGC@udc.edu. Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: “Amendments to Chapter 1 and 2 of the DCMR” in the subject line.

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

NOTICE OF SEVENTH EMERGENCY RULEMAKING

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

On March 20, 2020, in response to the spread of COVID-19, Mayor Bowser issued Mayor's Order 2020-050, Extensions of Public Health Emergency: Coronavirus (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – Coronavirus (COVID-19). These Orders served to extend with some changes the two previous Mayor's Orders issued March 11, 2020, (Mayor's Orders 2020-045 and 2020-046) through April 24, 2020. On March 24, 2020, the Mayor issued Mayor's Order 2020-053, temporarily closing all non-essential businesses in the District, and further prohibiting large gatherings. On April 15, 2020, Mayor Bowser extended the public emergency and public health emergency in the District through May 15, 2020, (Mayor's Order 2020-063), and on May 13, 2020, the Mayor extended the public emergency and public health emergency once again through June 8, 2020 (Mayor's Order 2020-066).

Recognizing that other types of ABC licensed establishments sought to offer alcoholic beverages for carry-out and delivery, the Board took further emergency action to allow hotels, multipurpose facilities, and private clubs to obtain temporary restaurant endorsements so that they also could offer alcoholic beverages for carry-out and delivery. The Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Emergency Rulemaking by a vote of six (6) to zero (0). *See* 67 DCR 4589 (March 27, 2020). The Board adopted a second emergency rulemaking on March 25, 2020, by a vote of seven (7) to zero (0), which superseded the emergency rulemaking that the Board had previously adopted. *See* 67 DCR 4130 (April 10, 2020).

On April 22, 2020, by a vote of seven (7) to zero (0), the Board took further emergency action in response to the Council of the District of Columbia's (Council) expansion of carry-out and delivery authorization to nightclubs. Specifically, the Suspension of On-premise Alcohol Sales and Consumption Notice of Third Emergency Rulemaking, which superseded the previously adopted emergency rulemaking, permitted nightclub licensees to obtain a temporary restaurant endorsement so that they can offer alcoholic beverages for carry-out and delivery with at least one (1) prepared food item. *See* 67 DCR 5600 (May 29, 2020).

After the Board adopted the third emergency rulemaking, Mayor Bowser issued Mayor's Order 2020-067, dated May 27, 2020, implementing Phase One of Washington D.C.'s reopening. Among other things, Mayor's Order 2020-067 partially lifted the restriction prohibiting on-site dining by allowing restaurants, taverns, nightclubs, mixed-use facilities, and other licensed food

establishments to offer table service to seated patrons on outdoor public or private space. The Board interpreted the phrase “mixed-use” facilities to include hotels, multipurpose facilities, private clubs and other class CX and DX licensees, and licensed manufacturers that serve food and satisfy the requirements set forth below. Thus, on May 28, 2020, the Board adopted the Suspension of On-premises Alcohol Sales Notice of Fourth Emergency Rulemaking, by a vote of six (6) to zero (0). This emergency rulemaking superseded the previously adopted emergency rulemaking. *See* 67 DCR 7930 (June 26, 2020).

After adopting the fourth emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-075, dated June 19, 2020, which implemented Phase Two of Washington, D.C.’s reopening. Mayor’s Order 2020-075, among other things, allows restaurants, taverns, nightclubs, mixed-use facilities, and other licensed food establishments to: (1) offer on-site dining indoors; (2) limits indoor capacity to no more than fifty percent (50%), excluding staff and outdoor seating; and (3) allow bar seating provided the bar is not being staffed or utilized by a bartender.

In response to the issuance of Mayor’s Order 2020-075, the Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Fifth Emergency Rulemaking on June 19, 2020, by a vote of six (6) to zero (0). *See* 67 DCR 9232. The emergency rulemaking, which superseded the emergency rules the Board had previously adopted, amended § 810 by modifying the conditions under which licensees may sell, serve and allow the consumption of beer, wine, or spirits indoors or outdoors during the public emergency.

Since the adoption of the fifth emergency rulemaking, the Council passed the Streatery Program and Pop Up Locations Emergency Amendment Act of 2020 (A23-346; 67 DCR 9387 (August 7, 2020)), which further modified requirements for ABC-licensed establishments seeking to offer alcoholic beverages for on-site sales and consumption and carryout, as well as those licensees who seek to use expanded or new outdoor public or private spaces. Some of those additional requirements in the Act were absent from the Board’s fifth emergency rulemaking. Thus, in order to ensure that the District’s regulations and the Code were consistent, the Board deemed it necessary to take emergency action. Thus, on August 19, 2020, the Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Sixth Emergency Rulemaking, which superseded the emergency rules the Board had previously adopted. *See* 67 DCR 11139 (September 18, 2020).

The basis for this seventh emergency rulemaking is to ensure that the revised rules comport with several provisions of D.C. Act 23-404, the Fiscal Year 2021 Budget Support Emergency Act of 2020, which takes effect on October 1, 2020. Consistency between the regulations and the Code is essential to ensuring compliance and preventing confusion and misunderstanding among the public, which, in turn, is necessary to immediately preserve the public health, welfare, and the safety of District residents during the COVID-19 pandemic. Thus, the Board finds adoption of these emergency rules to be necessary to immediately preserve the public health, welfare, and the safety of District residents.

Thus, on this day, September 30, 2020, the Board adopts the Suspension of On-premises Alcohol Sales and Consumption Notice of Seventh Emergency Rulemaking, by a vote of seven (7) to zero (0). These emergency rules, which shall take effect on October 1, 2020, supersede the Board’s

previously adopted emergency rulemaking and shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency, but in no event longer than one hundred twenty (120) days from the Board's adoption; expiring on or before January 28, 2021, unless superseded.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by adding a new § 810 to read as follows:

810 CONDITIONS OF ON-PREMISES ALCOHOL SALES AND CONSUMPTION DURING THE PUBLIC EMERGENCY

810.1 The sale and service of alcoholic beverages for on-premises consumption indoors and outdoors shall be permitted in the District of Columbia for the remainder of either or both the Mayor's Public Emergency and Public Health Emergency by authorized licensees, provided that they comply with the requirements set forth in § 810.2. Specifically, the sale and service of alcoholic beverages for on-premises consumption indoors and outdoors shall be conditionally permitted by the following license classes:

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

810.2 An on-premises retailer license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including a multipurpose facility or private club, a manufacturer license, class A or B, holding an on-site sales and consumption permit, a festival or temporary license holder, and the holder of any other license or permit set forth under Title 25 of the D.C. Official Code, may sell, serve and allow the consumption of beer, wine, or spirits indoors or on a Board-approved outdoor sidewalk café or summer garden, including an existing rooftop patio; provided that the licensee shall:

- (a) Limit its indoor capacity to no more than fifty percent (50%) of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and outdoor seating.
- (b) Place indoor or outdoor tables on the sidewalk café or summer garden so that separate parties are at least six feet (6 ft.) apart from one another;

- (c) Ensure for non-movable communal tables that parties are seated at least six feet (6 ft.) apart from one another and that the communal table is marked with six-foot (6 ft.) divisions, such as with tape or signage;
- (d) Ensure that all indoor and outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;
- (e) Prohibit events and activities that would require patrons to be standing or in cluster or be in close contact with one another, including dancing, playing darts, video games including games of skill, bowling, ping pong, pool, throwing axes, or indoor playgrounds;
- (f) Prohibit patrons from bringing their own alcoholic beverages;
- (g) Prohibit self-service buffets;
- (h) Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
- (i) Require the purchase of one (1) or more prepared food items per table;
- (j) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the District of Columbia Department of Health (DC Health);
- (k) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages both indoors and outdoors for on-premises consumption to the hours between 6:00 a.m. and midnight, seven (7) days a week, unless further restricted by settlement agreement or Board Order;
- (l) Not have more than six (6) individuals seated at a table or a joined table outside or inside;
- (m) Require patrons to wait outside at least six feet (6 ft.) apart until they are ready to be seated or make an on-site reservation;
- (n) Not provide live music or entertainment on the licensed premises without first obtaining a waiver from the District of Columbia Homeland Security and Emergency Management Agency;
- (o) Be allowed to play background or recorded music at a conversational level that is not heard in the homes of District residents;
- (p) Not serve alcoholic beverages or food to standing patrons;

- (q) Prohibit standing at indoor and outdoor bars and only permit seating at indoor or outdoor bars that are not being staffed or utilized by a bartender;
- (r) Require a minimum of six feet (6 ft.) between parties seated at indoor and outdoor bars, rail seats, or communal tables;
- (s) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;
- (t) Provide and require that wait staff wear masks;
- (u) Require that patrons wear masks or face coverings when waiting in line inside or outside of the establishment or while traveling to use the restroom or until they are seated and eating or drinking;
- (v) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;
- (w) Implement sanitization and disinfection protocols including the provision of single use condiment packages;
- (x) Be permitted to utilize an additional location registered for alcohol carry-out and delivery, pursuant to D.C. Official Code § 25-113(a)(3)(D) for indoor on-premises alcohol consumption provided the location has a valid certificate of occupancy for a restaurant or other eating or drinking establishments. The use of outdoor space adjacent to or near the additional location shall be required to be registered pursuant to D.C. Official Code § 25-113(a)(6) in order to be utilized for outdoor dining; and
- (y) Have its own clearly delineated indoor and outdoor space and not share tables and chairs with another business.

810.3 A manufacturer's license, class A or B, with an on-site sales and consumption permit, a retailer's license class C/T, D/T, C/N, D/N, C/X, or D/X, a festival or temporary license holder, and the holder of any other license or permit set forth under Title 25 of the D.C. Official Code, may partner with a food vendor during its operating hours to satisfy the use of a menu containing a minimum of three (3) prepared food items available to patrons requirement set forth in § 810.2(h), provided, that patrons are seated when ordering and ordered food is delivered by the licensee to the seated patron.

810.4 A licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs that register with the Board may sell beer, wine or spirits in closed containers for individuals to carry-out to their home or deliver beer, wine or spirits in closed containers to the homes of District

residents; provided that each such carry-out or delivery order is accompanied by one or more prepared food items.

- 810.5 Board approval shall not be required for registration; however, a restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multipurpose facilities and private clubs, shall receive written authorization from ABRA prior to beginning carry-out or delivery of beer, wine or spirits.
- 810.6 A registered licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multipurpose facilities and private clubs, may sell beer, wine or spirits for carry-out and delivery only between the hours of 6:00 a.m. and 1:00 a.m., Monday through Sunday.
- 810.7 Except as provided in § 810.2, a registered licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs, shall not permit the consumption of beer, wine or spirits on the licensed premises.
- 810.8 Any person delivering beer, wine or spirits to the homes of District residents shall be eighteen (18) years of age or older and shall take reasonable steps to ascertain that the person receiving the delivered beer, wine or spirits is twenty-one (21) years of age or older.
- 810.9 The Board, in its discretion, may immediately suspend or revoke without prior notice or advertisement, the ABC license of an establishment licensed under Title 25 of the District of Columbia Official Code that is in violation of this section. Nothing in this subsection shall prohibit the Board or ABRA from issuing a written or verbal warning for a violation of this section.
- 810.10 The Board shall conspicuously post two (2) summary suspension or revocation notices at or near the main street entrance of the outside of the establishment.
- 810.11 A licensee may request a hearing within three (3) business days after service of a Notice of Suspension or Revocation for a violation of this section. The Board shall hold a hearing within two (2) business days of receipt of a timely request and shall issue a decision within three (3) business days after the hearing.
- 810.12 A licensee aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.

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

NOTICE OF FOURTH EMERGENCY RULEMAKING

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

This emergency rulemaking, titled the *Addition of Outdoor Public and Private Space Notice of Fourth Emergency Rulemaking*, will (1) allow on-premises retailer’s licensees and manufacturer licensees, class A or B, holding an on-site sales and consumption permit, or a Convention Center food and alcohol business to register with the Board to sell, serve, and allow the consumption of alcoholic beverages on new or expanded outdoor public and private space not listed on its license; and (2) modify the conditions imposed on registered licensees and businesses.

On May 27, 2020, Mayor Bowser issued Mayor’s Order 2020-067, implementing Phase One of Washington, D.C.’s reopening. Among other things, Mayor’s Order 2020-067 partially lifted the restriction prohibiting on-site dining by allowing restaurants, taverns, nightclubs, mixed-use facilities and other licensed food establishments to offer table service to seated patrons on outdoor public or private space. In response to Mayor’s Order 2020-067, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Emergency Rulemaking* (“first emergency rulemaking”), on May 28, 2020, by a vote of six (6) to zero (0). *See* 67 DCR 8507 (July 10, 2020). The emergency rulemaking allowed restaurants, taverns, nightclubs, multipurpose facilities, and manufacturer licenses, class A or B, with on-site sales and consumption permits to register with the Board to sell, serve, and allow the consumption of alcoholic beverages on new or expanded ground floor or street level outdoor public or private space in accordance with the Mayor’s Order.

After the Board adopted the first emergency rulemaking, Mayor Bowser issued another Mayor’s Order implementing Phase Two of Washington, D.C.’s reopening. *See* Mayor’s Order 2020-075 (June 19, 2020). Mayor’s Order 2020-075, among other things, allows seating at an outdoor bar provided that the bar is not being staffed or utilized by a bartender. In response to Mayor’s Order 2020-075, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Second Emergency Rulemaking* (“second emergency rulemaking”), which modified the previous rulemaking by incorporating the additional requirements that ABC-licensed establishments needed to comply with in order to expand or add outdoor public or private space. *See* 67 DCR 9096 (July 24, 2020).

Since the adoption of the second emergency rulemaking, the Council of the District of Columbia passed the Sreatery Program and Pop Up Locations Emergency Amendment Act of 2020, enacted July 27, 2020 (D.C. Act 23-346; 67 DCR 9387 (August 7, 2020)), which took effect on July 27, 2020. The legislation established additional guidelines and requirements, some of which modified the Board’s second emergency rulemaking, for ABC-licensed establishments seeking on-site sales and consumption, carryout services, or who sought to expand or add outdoor public or private

space to the existing licensed premises. In order to ensure that the District's regulations and the Code were consistent, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Third Emergency Rulemaking* ("third emergency rulemaking") on August 18, 2020, which superseded the previous emergency rulemaking adopted by the Board. See 67 DCR 11259 (September 25, 2020).

The basis for this emergency rulemaking is to ensure that the revised rules comport with several provisions of D.C. Act 23-404, the Fiscal Year 2021 Budget Support Emergency Act of 2020, which takes effect on October 1, 2020. Consistency between the regulations and the Code is essential to ensuring compliance and preventing confusion and misunderstanding among the public, which, in turn, is necessary to immediately preserve the public health, welfare, and the safety of District residents during the COVID-19 pandemic. Thus, the Board finds these emergency rules to be necessary to immediately preserve the public health, welfare, and the safety of District residents, and adopts the *Addition of Outdoor Public and Private Space Notice of Fourth Emergency Rulemaking*, by a vote of seven (7) to zero (0), on September 30, 2020. This emergency rulemaking shall take effect on October 1, 2020, and supersedes the previously adopted rulemaking and shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency, but in no event longer than one hundred twenty (120) days from the Board's adoption; expiring on or before January 28, 2021, unless superseded.

Chapter 10, ENDORSEMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, DCMR is amended by adding a new Section 1007, ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE, on an emergency basis, to read as follows:

1007 ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE

1007.1 A licensee under an on-premises retailer's license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, a manufacturer's license, class A or B, holding an on-site sales and consumption permit, or a Convention Center food and alcohol business shall be permitted to sell, serve, and allow the consumption of alcoholic beverages to seated patrons on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license, provided, that the licensee:

- (a) Registers with the Board, at no cost, and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;
- (b) Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and
- (c) Agrees to follow all applicable District laws, regulations, guidance documents, administrative orders including Mayor's Orders, and permit requirements or conditions, which may contain requirements that supersede provisions contained in this section.

- 1007.2 An on-premises retailer's license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, a manufacturer's license holding an on-site sales and consumption permit, class A or B, or a Convention Center food and alcohol business that registers with the Board in accordance with § 1007.1 to sell, serve, and allow the consumption of alcoholic beverages to seated patrons on new or expanded ground floor or street level outdoor public or private space not listed on its existing license shall:
- (a) Place tables on the sidewalk café or summer garden so that separate parties are at least six feet (6 ft.) apart from one another;
 - (b) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;
 - (c) Prohibit events and activities that would require patrons to be standing or in cluster or be in close contact with one another, including dancing, playing darts, video games including games of skill, bowling, ping pong, pool, throwing axes, or indoor playgrounds;
 - (d) Prohibit patrons from bringing their own alcoholic beverages;
 - (e) Prohibit self-service buffets;
 - (f) Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
 - (g) Require the purchase of one (1) or more prepared food items per table;
 - (h) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the District of Columbia Department of Health (DC Health);
 - (i) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District's zoning regulations;
 - (j) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 6:00 a.m. and midnight, seven (7) days a week;
 - (k) Not have more than six (6) individuals seated at a table or a joined table;
 - (l) Require patrons to wait outside at least six feet (6 ft.) apart until they are ready to be seated or make an on-site reservation;

- (m) Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;
- (n) Be allowed to play background or recorded music at a conversational level that is not heard in the homes of District residents;
- (o) Not serve alcoholic beverages or food to standing patrons;
- (p) Prohibit standing at outdoor bars and only permit seating at outdoor bars that are not being staffed or utilized by a bartender.
- (q) Require a minimum of six feet (6 ft.) between parties seated at outdoor bars or communal tables;
- (r) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;
- (s) Provide and require that wait staff wear masks;
- (t) Require that patrons wear masks or face coverings while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;
- (u) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;
- (v) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and
- (w) Have its own clearly delineated outdoor space and not share tables and chairs with another business.

1007.3 Registration under § 1007.1 shall be valid from May 29, 2020, to October 25, 2020, unless extended by the Mayor or the Council of the District of Columbia.

1007.4 The Board may fine, suspend, or revoke an on-premises retailer's license, class C or D, or a manufacturer's license, class A or B, with an on-site sales and consumption permit, and shall revoke the registration issued in accordance with § 1007.1 if the licensee fails to comply with requirements set forth in § 1007.1 or 1007.2. The provisions of D.C. Official Code §§ 25-826 and 25-828 pertaining to notice and an opportunity to be heard in connection with the suspension or revocation of licenses shall also apply to the revocation of registrations issued in accordance with § 1007.1.

1007.5 Notwithstanding § 1007.2, if an on-premises retailer's license, class C or D, or a manufacturer's license, class A or B, with an on-site sales and consumption permit, has a settlement agreement governing its operations, the Board:

- (a) Shall interpret settlement agreement language that restricts sidewalk cafes or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafes or summer gardens;
- (b) Shall not interpret settlement agreement language that restricts or prohibits sidewalk cafes or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this subsection;
- (c) Shall not interpret settlement agreement language that restricts or prohibits the operation of permanent outdoor space to prohibit the temporary operation of sidewalk cafes or summer gardens; and
- (d) Shall require all on-premises retailer licenses, class C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by DDOT or the property owner.

1007.6 With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed one hundred eighty (180) days.

1007.7 A manufacturer's license, class A or B, with an on-site sales and consumption permit, or an on-premises retailer's license, class C/T, D/T, C/N, D/N, C/X, or D/X, including multipurpose facilities or private clubs, may partner with a food vendor during its operating hours to satisfy the use of a menu containing a minimum of three (3) prepared food items available to patrons requirement set forth in § 1007.2(f), provided that patrons are seated when ordering and ordered food is delivered by the licensee or the food vendor to the seated patron.

1007.8 For purposes of this section:

- (a) Ground floor or street level sidewalk cafes or summer gardens enclosed by awnings or tents having no more than one (1) side shall be considered outdoor space;
- (b) Areas enclosed by retractable glass walls and other forms of operable walls shall be considered indoor dining; and
- (c) Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under § 1007.1.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING.

The Director of the Department of Transportation (“DDOT”), pursuant to the authority in Sections 3(b), 5(3)(A), and 6(b) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(N), and 50-921.05(b)), Sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), and Mayor’s Order 77-127, dated August 3, 1977, hereby gives notice of the intent to adopt the following emergency and proposed rulemaking to amend Chapter 22 (Moving Violations), Chapter 23 (Pedestrians), and Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

To help achieve the goal of zero fatalities and serious injuries to travelers of the District’s transportation system, to improve the safety and efficiency of existing and future bus-priority lanes, and to permit the use of roadways for the purposes of social distancing and recreation on local-access roads, these emergency and proposed rules amend Chapter 22 of Title 18 of the DCMR to authorize DDOT to set the speed limit to 15 miles-per-hour on streets adjacent to health care facilities and COVID-19 testing sites; to permit authorized emergency vehicles to drive on local access streets; to require vehicles authorized to drive on local-access roads and play streets to yield the right-of-way to pedestrians and cyclists at all points; to prohibit taxis from bus lanes; and to authorize DDOT to post signs dictating proper behavior in bus lanes; amend Chapter 23 of Title 18 to permit pedestrians to use the streets in order to practice social distancing; and amend Chapter 99 of Title 18 to define the term “health care facility.”

The emergency and proposed rulemaking is necessitated by the immediate need to preserve public safety and adapt to and prepare for the changing transportation needs and travel behaviors as a result of the COVID-19 global pandemic and associated public health emergency declaration.

Speed limits on roads adjacent to health care facilities, including temporary testing sites and temporary hospitals, shall be 15 miles-per-hour since these locations have generated a significantly higher amount of vehicle and pedestrian activity during the public health emergency. As the District’s COVID-19 testing capacity has increased to the degree that all residents, regardless of their symptoms or exposure level, are encouraged to get tested, more vehicles and pedestrians have been drawn to health care facilities for testing. Due to this increased demand, those seeking a test have had to queue in the public right-of-way. For those arriving on foot, queuing, with appropriate physical distancing, has been necessary. For those arriving by car, queuing has sometimes been necessary in the roadway while awaiting testing. Because this public health emergency has resulted in this unconventional traffic situation, both in the road and on the sidewalk, the speed limit around health care facilities shall be 15 miles-per-hour as a means of enhancing the safety of all those in the public right-of-way, especially those most vulnerable.

To effectuate the intended use of local-access roads, (commonly referred to as “slow streets”) and to afford pedestrians the opportunity to safely use the roadway to practice social distancing, this emergency rulemaking requires that motor vehicle traffic yield to cyclists and pedestrians at all

points and amends a provision that prohibits a pedestrian from walking in the roadway. The intent of the “slow street” designation is to limit motor vehicle traffic on designated roads to create a safe environment for non-motor vehicle traffic to use the roadway for recreation and social distancing. However, current regulations prohibit a pedestrian’s use of the roadway in this manner. Amending this regulation, by way of an emergency, is necessary to permit the “slow streets” program’s intended use of the roadway and provide pedestrians, District-wide, the opportunity to use the roadway safely to practice social distancing or navigate an obstruction.

Finally, to protect the safety of bus riders, and advance the efficiency of existing and future bus-priority lanes this emergency rulemaking prohibits taxis from bus lanes and authorizes DDOT to post signage indicating the point after which an otherwise-unauthorized vehicle may enter a bus lane for the purpose of turning. Taxis shall be prohibited from bus-priority lanes because the current practice of allowing taxis to operate in bus lanes negatively impacts bus service and leads to “bus bunching.” “Bus bunching,” describes when two or more buses that are scheduled to service bus stops according to a planned schedule or frequency, are unable to adhere to schedule. Bunching leads to crowding of passengers on buses and at bus stops, which inhibits passengers’ ability to maintain safe distances from one another during the current public health emergency. Prohibiting taxis from bus lanes will reduce bunching and, thus, crowding at bus stops and in buses. Prohibiting taxis is a common practice among cities across the country, including Baltimore, Boston, Chicago, Portland, and Seattle. These other cities have found that prohibiting taxis results in safer and more efficient operations. As the District moves forward with reopening, DDOT and WMATA will not be able to safely carry the increased passenger load without efficient and frequent bus service.

Additionally, these bus-priority regulations give DDOT the authority to post signage clarifying proper turning policy on streets with dedicated bus lanes. Current regulations default drivers into a policy that states a driver may enter a bus lane within forty feet (40 ft.) from an intersection to turn; however, that policy is not advertised via signage, nor is that policy the safest at every intersection with a bus lane. This rulemaking gives DDOT the authority to post signs to advertise proper turning policy and tailor such a policy to each intersection’s unique environment.

Effectuating these policies before the inauguration of the bus lanes on Martin Luther King Jr. Avenue Southeast, 7th Street Northwest, and M Street Southeast is imperative for educating the public and accurate data collection. These three bus-priority lanes, totaling 2.5 miles, will be enforced beginning in August of 2020. Afterwards, their performance will be assessed for approximately a year. Implementing these policies immediately, encapsulating the entirety of the year-long assessment period, will improve the quality of performance data collected. Promulgation of these rules via an emergency rulemaking is justified because the implementation of the new bus lanes is a component of the District’s efforts to reopen the economy in a safe and sustainable way as more people will need to take public transit to work and make other essential trips.

This emergency rule was adopted on October 16, 2020 and became effective immediately. This emergency rule will remain in effect until February 13, 2021, one hundred twenty (120) days from the date it was adopted, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of intent to take final rulemaking action to adopt

these amendments as final in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 22, MOVING VIOLATIONS, is amended as follows:

Section 2200, SPEED RESTRICTIONS, is amended as follows:

Subsection 2200.8 is amended to read as follows:

2200.8 On roadways adjacent to school facilities and grounds serving youth, the maximum lawful speed shall be fifteen miles per hour (15 mph) when designated by an official sign at the times indicated on the official sign.

Subsection 2200.9 is amended to read as follows:

2200.9 On roadways adjacent to a playground, recreational facility, health care facility, pool, athletic field, or senior center designated by official signs, the maximum lawful speed shall be fifteen miles per hour (15 mph) when designated by an official sign at the times indicated on the official sign.

Section 2217, CLOSED STREETS, LOCAL ACCESS STREETS, PLAY STREETS, BUS LANES, AND BUS RESTRICTED STREETS, is amended as follows:

Subsection 2217.1 is amended to read as follows:

2217.1 Whenever authorized signs are erected indicating a street or portion of a street is a local access street, no person shall drive a vehicle upon such street or portion of the street except drivers of authorized emergency vehicles and drivers of vehicles whose destination or origin is on or within two (2) blocks of such street or portion of the street.

Subsection 2217.5 is amended to read as follows:

2217.5 No vehicle shall travel on those portions of streets designated as bus lanes by pavement markings or signage, except:

- (a) transit buses, tour buses, charter buses, and school buses;
- (b) bicycles except pedicabs;
- (c) paratransit service vehicles;
- (d) authorized emergency vehicles;

- (e) as provided in § 2217.6; or
- (f) other vehicles authorized by an official sign.

Subsection 2217.6 is amended to read as follows:

2217.6 A vehicle may enter a designated bus lane to engage in a turn at an intersection or driveway:

- (a) where an official sign indicates that a vehicle may do so; or
- (b) if no official sign indicates where a vehicle may enter a bus lane to engage in a turn at an intersection or driveway, if the vehicle is within forty feet (40 ft.) of an intersection or driveway.

Subsection 2217.8 is added to read as follows:

2217.8 When driving a vehicle on a street described in §§ 2217.1, 2217.2, or 2217.3 is authorized, an operator of a vehicle shall yield the right-of-way to pedestrians, cyclists, and all other non-vehicular traffic at all points.

Chapter 23, PEDESTRIANS, is amended as follows:

Section 2305, WALKING AND STANDING ON SIDEWALKS AND ROADWAYS, is amended as follows:

Subsection 2305.2 is amended to read as follows:

2305.2 Where a sidewalk is provided, a pedestrian shall not walk upon a roadway adjacent to the sidewalk, except as appropriate to avoid a risk to the pedestrian’s, or another individual’s, safety or health.

Chapter 99, DEFINITIONS, Subsection 9901 is amended as follows:

The following definition is added after the definition of the term “gross weight”:

Health care facility -- a clinic, freestanding ambulatory care facility, freestanding laboratory, freestanding testing facility, hospital, nursing home, or therapeutic radiological center, or a facility where health care professionals test individuals for the novel coronavirus SARS-CoV-2.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Anthony C. Willingham, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

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

Mayor's Order 2020-108
October 22, 2020

SUBJECT: Reappointments and Appointments — Commission on Re-Entry and Returning Citizen Affairs

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 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.), pursuant to section 4 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 § 24-1303, re-designated by Mayor's Order 2012-31, dated February 28, 2012, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **CLARENCE JOHNSON**, pursuant to the Commission on Re-Entry and Returning Citizen Affairs Clarence Johnson Confirmation Resolution of 2020, effective June 11, 2020, PR23-0739, is reappointed as a public member of the Commission on Re-Entry and Returning Citizens Affairs, for a term to end August 4, 2022.
2. **CORWIN KNIGHT**, pursuant to the Commission on Re-Entry and Returning Citizen Affairs Corwin Knight Confirmation Resolution of 2020, effective June 11, 2020, PR23-0738, is reappointed as a public member of the Commission on Re-Entry and Returning Citizens Affairs, for a term to end August 4, 2022.
3. **OLIVIA ELDER**, pursuant to the Commission on Re-Entry and Returning Citizen Affairs Olivia Elder Confirmation Resolution of 2020, effective June 11, 2020, PR23-0735, is appointed as a public member of the Commission on Re-Entry and Returning Citizens Affairs, replacing Nicole Porter, for a term to end August 4, 2022.
4. **DOMINIC HENRY**, pursuant to the Commission on Re-Entry and Returning Citizen Affairs Dominic Henry Confirmation Resolution of 2020, effective June 11, 2020, PR23-0736, is appointed as a public member of the Commission on Re-Entry and Returning Citizens Affairs, replacing Tanisha Murden, for a term to end August 4, 2022.
5. **TAURUS PHILLIPS**, pursuant to the Commission on Re-Entry and Returning Citizen Affairs Taurus Phillips Confirmation Resolution of 2020, effective June 11, 2020, PR23-0737, is appointed as a public member of the Commission on Re-Entry and Returning Citizens Affairs, replacing Eric Weaver, for a term to end August 4, 2022.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the dates of confirmation.



MURIEL BOWSER
MAYOR

ATTEST: 

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

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Elizabeth Figueroa.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Figueroa’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Figueroa has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on December 11, 2020.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Figueroa’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before November 16, 2020. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Rob Hawkins, Esq.
Interim Chief Administrative Law Judge Deborah Carroll
Nadine C. Wilburn, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Samuel McClendon.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge McClendon’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge McClendon has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his six-year term on November 27, 2020.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge McClendon’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before November 16, 2020. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Rob Hawkins, Esq.
Interim Chief Administrative Law Judge Deborah Carroll
Nadine C. Wilburn, Esq.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON THE ARTS AND HUMANITIES
FISCAL YEAR 2021 MEETING SCHEDULE**

The DC Commission on the Arts and Humanities (CAH) is an independent agency in the District of Columbia government that evaluates and initiates action on matters relating to the arts and humanities and encourages programs and the development of programs that promote progress in the arts and humanities. CAH is the designated state arts agency for the District of Columbia and is supported primarily through District government funds and in part by the National Endowment for the Arts.

Regular meetings of the Commission Board will be held at 5:30 pm on the third Monday of each month, unless otherwise noticed. Meetings are governed by the Open Meetings Act and are open to the public.

In accordance with the Mayor's Orders regarding the COVID-19 public health emergency, all meetings will be held remotely by online video conference until such time that in-person meetings are permitted.

Meeting notices will be published on the agency's website at <http://dcarts.dc.gov> no later than 48 hours or 2 business days, whichever is greater, before the meeting, and will include the date, time and location of the meeting, the planned agenda for the meeting, and login or call-in information for the public in the case of online meetings.

The meeting dates for fiscal year 2021 are:

1. **November 16, 2020**
2. **December 14, 2020**
3. **January 11, 2021**
4. **February 8, 2021**
5. **March 15, 2021**
6. **April 19, 2021**
7. **May 17, 2021**
8. **June 21, 2021**
9. **July 19, 2021**
10. **August 16, 2021**
11. **September 20, 2021**

This schedule is subject to change.

Inquiries concerning the meetings may be addressed to:

Jeffrey Scott, Chief of External Affairs
DC Commission on the Arts and Humanities
200 I Street SE, Suite 1400, Washington, DC 20003
(202) 724-5613 | jeffrey.scott@dc.gov

CESAR CHAVEZ PUBLIC CHARTER SCHOOL**REQUESTS FOR PROPOSALS****Roofing Services**

Cesar Chavez Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for comprehensive Roofing Services, including:

- Roof Preparation – Remove all dirt & debris for material to bond to roof.
- New Roof -full or partial replacement. Repair and Replace all seams and joints where needed.
- Reseal all roof penetrations throughout the building.

Questions and proposals may be e-mailed to procurement@chavezschools.org with the subject line Roof Replacement RFP. Deadline for submissions is **5:00 pm November 6, 2020**. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. -No phone calls please.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Cesar Chavez Public Charter School
Attn: Ashley High
3701 Hayes Street NE
Washington, DC 20019

CESAR CHAVEZ PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Solar Panel Removal and Installation Services**

Cesar Chavez Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for comprehensive Solar Panel Removal and Installation, including:

- De-Install and Re-Install 522 Solar Modules.
- Install and place back into service 522 Solar modules
- Replace broken hardware and replace all DC String Wiring
-

Questions and proposals may be e-mailed to procurement@chavezschools.org with the subject line "Solar Panel Removal and Installation RFP." Deadline for submissions is **5:00 pm November 6th**. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Cesar Chavez Public Charter School
Attn: Ashley High
3701 Hayes Street NE
Washington, DC 20019

D.C. CRIMINAL CODE REFORM COMMISSION

PUBLIC NOTICE

APPOINTMENT OF MARGARITA BRONSHTEYN AS SOCIAL SCIENTIST

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

The D.C. Criminal Code Reform Commission hereby gives notice pursuant to D.C. Code § 1-609.03(c) that Margarita Bronshteyn was appointed as Social Scientist for the D.C. Criminal Code Reform Commission on October 13, 2020. This is an excepted service position.

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING****WEDNESDAY, NOVEMBER 4, 2020 AT 10:00 AM
TELEPHONIC MEETING**

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

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, November 4, 2020 at 10am. The meeting will be telephonic and members of the public may hear the meeting by calling:

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

Event number / Access code: 172 181 6573.

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

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Draft Reports Under Current Review:
 - (A) First Draft of Report #63 – Misrepresentation as a District of Columbia Entity;
 - (B) First Draft of Report #64 – Allowing Dogs To Go At Large;
 - (C) First Draft of Report #65 – Contributing to the Delinquency of a Minor;
 - (D) First Draft of Report #66 – Defense of Self, Others, or Property; and
 - (E) First Draft of Report #67 – Entrapment, Duress, and Mental Disease or Defect Defenses.
- III. Adjournment.

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

OFFICE OF THE DEPUTY MAYOR FOR OFFICE OF EDUCATION
OFFICE OF OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

NOTICE OF FUNDING AVAILABILITY

Summer Strong DC 2021 Grants

The Office of Out of School Time Grants and Youth Outcomes (OST Office) also known as Learn24 seeks eligible entities to provide summer camp programs for school age youth that reside in the District of Columbia. The total amount available for these grants is approximately \$1.6 million for programs that will occur during summer 2021.

Beginning 10/30/2020, the full text of the Requests for Applications (RFA) will be available on the OST Office [website](#). A person may obtain a copy of this RFA by any of the following means:

Download from the OST Office website, [Learn24](#). Select the *Service Providers* tab and click on *Funding Opportunities* to find the RFAs.

Email a request to RFASummer2021@dc.gov with “Request copy of Summer 2021 RFA” in the subject line.

The deadline for application submissions is 1/5/2021 for Summer Strong DC Small Nonprofit RFA and 1/8/2021 for Summer Strong DC and Summer Strong Coordinating Entity, at 5:00 p.m. Submission information will be available on the website and included with the RFAs.

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

-Nonprofit organizations with IRS 501(c)(3) determinations

For additional information regarding these RFAs, write to: RFASummer2021@dc.gov

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
ANNOUNCES NOVEMBER 5, 2020 PUBLIC MEETING
FOR THE UNIFORM PER STUDENT FUNDING FORMULA (UPSFF) WORKING
GROUP

The Office of the State Superintendent of Education is convening a Uniform Per Student Funding Formula (UPSFF) Working Group pursuant to section 112(c) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2911(c)).

A public meeting for the UPSFF Working Group will be held as follows:

3:00 p.m. – 5:00 p.m.
Thursday November 5, 2020

The meeting will be held electronically. To register, please email Ryan.Aurori@dc.gov, or visit:

<https://osse.dc.gov/page/2020-21-uniform-student-funding-formula-upsff-working-group>

For additional information, please contact:

Ryan Aurori, Senior Advisor for Budget and Finance
Office of the Chief of Staff
Office of the State Superintendent of Education
Ryan.Aurori@dc.gov

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective vendors to provide:

- **Branded, Personalized and Promotional Goods and Related Services** - FPCS seeks proposals from vendors to provide timely, well-priced branded and personalized items. Vendors with an online promo store and general item list are preferred but not required.

The competitive RFP can be found on FPCS website at:

<http://www.friendshipschools.org/procurement>. Proposals are due no later than **4:00 P.M., EST, Friday November 20, 2020**. Questions and Proposals should be submitted on-line at: Procurementinquiry@friendshipschools.org. All bids not addressing all areas as outlined in the RFP will not be considered. No proposals will be accepted after the deadline.

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007 hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, December 3, 2020 at 2:30 PM** during a webinar.

Please note in order to attend the meeting, **you will have to register at the website:** https://magellanhealth.zoom.us/webinar/register/WN_XV7PVkorR8G0ZIC18zGpiw. Once registered you will receive an email with instructions on how to attend the webinar.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Angiotensin Modulator Combinations	Hemophilia Agents (<i>Tentative</i>)
Angiotensin Modulators	Hepatitis B Agents
Antianginal Agents (Ranexa)	Hepatitis C Agents
Antibiotics, Topical	HIV and AIDS Treatments
Anticoagulants	Immunomodulators, Atopic Dermatitis
Antihypertensives, Sympatholytics	Immunomodulators, Topical
Antipsoriatics, Oral	Lipotropics, Others
Antipsoriatics, Topical	Lipotropics, Statins
Antiviral Agents, Oral (HSV & Influenza)	Methotrexate
Antiviral Agents, Topical	Platelet Aggregation Inhibitors
Beta-Blockers	Rosacea Agents, Topical
Calcium Channel Blockers	Sickle Cell Anemia Agents (<i>Tentative</i>)

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM Wednesday, November 25, 2020**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply a copy of the written information to the P&T Committee **no later than 4:45 PM Wednesday, November 25, 2020**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information should be emailed to charlene.fairfax@dc.gov to arrive **no later than Wednesday, November 25, 2020**.

**DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION
COMMUNITY SERVICES BLOCK GRANT PROGRAM**

**NOTICE OF CSBG STATE PLAN FOR PUBLIC INSPECTION,
REVIEW AND COMMENT**

The Director of the District of Columbia (District) Department of Human Services (DHS), pursuant to the Community Services Block Grant (CSBG) Act of 1998, as amended (42 USC §9908 (e)(2)) announces for public inspection, review and comment the availability of the CSBG State Plan and Application for Fiscal Years 2021 and 2022. The State plan presents an approach to reduce poverty within the District through the provision of a wide range of services and activities that assist low-income families and individuals to:

- Remove obstacles and solve problems which inhibit the attainment of self-sufficiency;
- Secure and retain meaningful employment;
- Attain an adequate education;
- Make better use of available income;
- Obtain and maintain adequate housing and a suitable living environment;
- Obtain emergency assistance to meet immediate or urgent needs; and,
- Achieve greater participation in the affairs of the communities in which they live.

The State Plan will be available for inspection, review and comment virtually from Friday, October 23, 2020 on the DHS website: <https://dhs.dc.gov/> and also the CSBG eligible entity website: United Planning Organization (UPO), <https://www.upo.org/>.

Written comments may be submitted by close of business on Friday, November 20, 2020, by mail to the attention of Tunde Eboda, Ph.D., State CSBG Administrator, Community Services Block Grant Program, Department of Human Services, Family Services Administration, 64 New York Avenue, NE, 6th Floor, Washington, DC 20002 or email to: csbg.information@dc.gov.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Scrub Jackets**

KIPP DC is soliciting proposals from qualified vendors for Scrub Jackets. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM ET on November 10, 2020. Questions can be addressed to tania.honig@kippdc.org.

Troffers-Electrical Installation Services

KIPP DC is soliciting proposals from qualified vendors for Troffers-Electrical Installation Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM ET on November 10, 2020. Questions can be addressed to denocencia.wade@kippdc.org.

PAUL PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS
Facility – Grounds Improvements

Paul Public Charter School is currently seeking bids for:

- Creating versatile outdoor spaces that can be used as a classroom or for recreational space with seating and tables.

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.

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT**

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request submitted by Digital Pioneers Academy Public Charter School (Digital Pioneers PCS) on September 23, 2020. The school seeks to amend its charter agreement by expanding its grades served and increasing its enrollment ceiling.

Currently in its third year of operation, Digital Pioneers PCS educates 242 students in grades 6 – 8 in Ward 6. The school proposes expanding its program by adding grades 9 – 12. Specifically, the school plans to add grade 9 in school year (SY) 2021 – 22 and seeks to add a grade every year until reaching maturation in SY 2024 – 25. Digital Pioneers PCS proposes adding 120 seats per high school grade level, which would grow its enrollment ceiling from 360 to 840.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its grades served and its enrollment ceiling.

DATES:

- Comments must be submitted on or before November 16, 2020.¹
- The public hearing will be held on November 16, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be held on December 14, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by “Digital Pioneers PCS - Notice of Petition to Amend Charter – Grade Expansion, Enrollment Ceiling Increase,” by any one of the methods listed below.

1. Submit a written comment via
 - a) E-mail: public.comment@dcpcsb.org
 - b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010
2. Sign up to testify at the public hearing on November 16, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, November 12, 2020.

FOR FURTHER INFORMATION, CONTACT: Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-4046.

¹ DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after December 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 30, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2020

Page 2 of 12

Alarcon de Espana	Norma Eunice	Richards Kibbe & Orbe, LLP 701 8th Street, NW, #300	20001
Alle	Drexilla Chimonai	Legal Counsel for the Elderly 601 E Street, NW	20049
Au	Maria	Cushman & Wakefield 2101 L Street, NW, Suite 700	20037
Avent	Tracy Bernice	Self 2681 Douglass Road, SE, #303	20020
Barber	Jamila	Suntrust 2929 M Street, NW	20007
Barber-Hannaway	Lisa	Smoot Construction Company 5335 Wisconsin Avenue, NW, #940	20015
Bartlett	Robert D.	Baker & McKenzie, LLP 815 Connecticut Avenue, NW	20006
Bartolo Garcia	Griselda	Chapa Law Offices, PC 804 Tuckerman Street, NW	20011
Bell	Belinda V.	Self 4829 7th Street, NE	20017
Birts	Eric Marion	Self (Dual) 3417 Springdale Avenue	21216
Borroto	Lucy Caridad	Premium Title & Escrow, LLC 3407 14th Street, NW	20010
Brooks	Ransom	Self (Dual) 556 Varnum Street, NW	20011
Brooks	Sherry L.	Esquire Deposition Solutions 1717 K Street Street, NW	20006

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 3 of 12

Brown	Samantha	Self 121 Taussig Place, NE, #8	20011
Buruca	Erica	The Jamison 3750 Jamison Street, NE	20018
Camphor	Catherine Rogers	McKinsey & Company, Inc. 1200 19th Street, NW, Suite 1000	20036
Carter-White	Renee Yevette	Venn Strategies 1341 G Street, NW, 6th Floor	20005
Cartwright	Deborah L.	Reinsurance Association of America 1445 New York Avenue, NW	20005
Caumeil	Veronique Suzanne	Fidelity Investments 1900 K Street, NW, #110	20006
Cerminaro Doyle	Shannon Marie	MBH Settlement Group 1300 I Street, NW	20005
Chavis	Jamise Ebony	Nelson's Welding, INC 1235 Kenilworth Avenue, NE, 1&2	20019
Christopherson	Ekaterina	Self (Dual) 4036 8th Street, NE, #4	20017
Clark	Amanda May	Adaptive Green Inc. 80 M Street, SE	20003
Corley	Joyce Marie	Bethune Development, LLC 611 Pennsylvania Avenue, SE, Suite 344	20003
Corrie	Debra	Podesta Collection 2438 Belmont Road, NW	20008
Daniels	Rachel Andrea	Lincoln Property Company 2112 Pennsylvania Avenue, NW, Suite 150	20037

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2020

Page 4 of 12

Dave	Gaurang V.	LexisNexis Special Services Inc. 1150 18th Street, NW, Suite 250	20036
Davis	Samantha	MV+A Architects 1200 G Street, NW, Suite 250	20005
De Leon	Alison	International Monetary Fund 700 19th Street, NW	20431
Deci	Jennifer Marie	Self 215 C Street, SE, #202	20003
del Castillo	Orestes	Self (Dual) 811 Massachusetts Avenue, NE	20002
Dobbins	Keyona T.	Self 3902 Wheeler Road, SE	20032
Dove	Tracy	Self 625 Monroe Street, NE, #253	20001
Driscoll, III	John Edward	Potkin, Williamowsky & Pillay, PLLC 4725 Wisconsin Avenue, NW, Suite 250	20016
Dudley	Tracy Lynn	Self 1313 S Street, SE	20020
Duford	Ariana	Shearman & Sterling, LLP 401 9th Street, NW	20004
Dunbar	Thomas William	MBH Settlement Group, LC 1300 I Street, NW, Suite 400E	20005
Farrell	Beverly E.	NRL Federal Credit Union 4555 Overlook Avenue, SW	20375
Faulkner	Faye L	K&L Gates LLP 1601 K Street, NW	20006
Foster	Lisa M.	Children's National Hospital 111 Michigan Avenue, NW	20010
Fuhrman	Danielle Marie	Self	

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 5 of 12

		2501 K Street, NW, #3A	20037
Gibson	Carol J.	K&L Gates, LLP 1601 K Street, NW	20006
Gilbeaux Jr.	Craig	3239 Cliftmont, LLC 1113 McCollough Court, NW, #401	20001
Gorbitz	Nick	Foundry Construction 4420 Connecticut Avenue, NW, #202	20008
Gordon	Jacqueline	U.S. General Services Administration 1800 F Street, NW	20405
Gore	Kathy H.	Self 220 Peabody Street, NW	20011
Gould	Elizabeth Hardwick	TTR Sotheby's International Realty 1206 30th Street, NW	20007
Gray	Sarah Ann	The Intrepid Wendell 1401 K Street, NW, Suite 688	20005
Green	Lawmont	Self 4820 South Dakota Avenue, NE	20017
Guetzkow	Jason S.	BuckmanLegal PLLC 4530 Wisconsin Avenue, NW, Suite 300	20016
Haas	Jean	Autistic Self Advocacy Network 1010 Vermont Avenue, NW, #618	20005
Halsch	Stephen Francis	Updata Partners 2099 Pennsylvania Avenue, NW	20006
Hollis	Kirsten M.	Amazon Web Services 601 New Jersey Avenue, NW, Suite 900	20001
Holmes	Grady Leon	District of Columbia Metropolitan Police Department 6001 Georgia Avenue, NW	20011

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 6 of 12

Holmes	Jennifer	S-3 Group 418 C Street, NE	20002
Hood	Immani	Self 1520 18th Street, SE, #4	20020
Hosseini	Mehrnaz	AEPA Architects and Engineers 2421 Pennsylvania Avenue, NW	20037
Howard	Sebia	Self 2701 17th Street, NE	20018
Hynes	Teresa	Potomac Investment Properties, Inc 1666 K Street, NW, Suite 250	20006
Inman	Marc Allen	Self 2501 25 Street, SE, #211	20020
Iseley	Elaine	Self 1907 Good Hope Road, SE, #110	20020
Jessie	Julia Elyse	Self (Dual) 3411 Brothers Place, SE	20032
Johnson	Joanice LaVerne	Transportation Research Board of the National Academy of Sciences 500 Fifth Street, NW	20001
Jolly	Veronica Brown	Shearman & Sterling LLP 401 9th Street, NW, Suite 801	20004
Jones	Brenda Cassandra	International Paper 1101 Pennsylvania Avenue, NW, Suite 200	20004
Jones	Matthew B.	MBH Settlement Group, L.C. 1300 I Street, NW, Suite 400 E	20005
Jones	Nathan	Bank of America 1931 14th Street, NW	20009

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 7 of 12

Jones	Taylor Ashley Tamara	MBI Health Services 3000 Pennsylvania Avenue, SE	20020
Joya	Carlos S.	Wells Fargo 2901 M Street, NW	20007
King	Akilah Asha	JM Zell Partners, LTD 2900 K Street, NW, #525	20007
Kiser	Christopher Brandon	Self (Dual) 2480 Ontario Road, NW	20009
Kozik	Jordan Bruce	Paragon Title 1410 Q Street, NW	20009
Lawrence	Valerie LaRea	Bracewell, LLP 2001 M Street, NW, Suite 900	20036
LeBron	Kesha Inez Detriese	BridgePoint National Harbor 4601 Martin Luther King Jr Avenue, SW	20032
LeVere-Wanzer	January	Remus Enterprises Law 1629 K Street, NW, #300	20006
Lingo	Halle	J.A. Green and Company 501 Capitol Court, NE, Suite 300	20002
Lloyd	Lolita Alvina	Self 1200 Irving Street, NW, 102	20010
Look	Rozanne	Manna, Inc. 6856 Eastern Avenue, NW, #101	20012
Lustig	Greta Beth	Bank of America 55 M Street, SE, Suite 1	20003
Marshall	Karolyn M.	U.S. Court of Appeals for Veterans Claims 625 Indiana Avenue, NW, Suite 900	20004

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2020

Page 8 of 12

May	Daniel	Champion Title/Kase Associates 700 Pennsylvania Avenue, SE, Suite 360	20003
Mayo	Donna	Stewart Funeral Home 4001 Benning Road, NE	20019
McCall	Keishia	Metropolitan Plumbing and Sewer 310 60th Street, NE, #B	20019
McDonough	Shannon	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Mclaughlin	Frank	Self (Dual) 631 D Street, NW, #639	20004
Meigel	Robin	U.S. Department of Agriculture 1400 Independence Avenue, SW, #4121-S	20250
Mercado	David E.	EP Federal Credit Union 13th & C Street, SW	20228
Meyers	Katherine Elizabeth	Self (Dual) 818 7th Street, NE, #1	20002
Mickles	Joan Lanice	Self 1390 Kenyon Street, NW, #812	20010
Migues	Eduardo	I S Enterprises, Inc. 1324 H Street, NE	20002
Miller	Monica Irene	Self (Dual) 2432 Irving Street, SE	20020
Mitchell	Aiesha	MBI Health Services 5010 Sheriff Road, NE	20019
Moten	Dereka	Clements Worldwide 1301 K Street, NW, #1200 West	20005
Natale-Jack	Roxanna Esther	Bernstein Management Corporation 5301 Wisconsin Avenue, NW, Suite 500	20015

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 9 of 12

Ngatchou	Joseph N.	Amazing Love Health Services 702 15th Street, NE	20002
Noel	Alicia Renee	Self 1916 Q Street, SE	20020
Ortiz	Cindy S.	U.S. Office Solutions 2614 28th Street, NE	20018
Pantano	Sylvia	Spiegel & McDiarmid, LLP 1875 Eye Street, NW, Suite 700	20006
Perrin	Shenique N.	Self 1153 Morse Street, NE	20002
Peters	Judith B.	Self (Dual) 214 Peabody Street, NW	20011
Peterson	Courtney	Sidwell Friends School 3825 Wisconsin Avenue, NW	20016
Polk	Lacy Nicole	Self (Dual) 1104 21st Place, NE, #202	20002
Potts	Sarah Meredith	Papadopoulos Properties Inc. 1420 21st Street, NW, #B	20036
Regan	Kerry Barrett	Nasdaq 1100 New York Avenue, NW, Suite 310E	20005
Renninger, III	Edwin Charles	Castrum Realty, LLC 140A Wilmington Place, SE	20032
Rhoden-Barrett	Fay	GordonDC 1020 16th Street, NW, Suite 305	20036
Richardson	Menisha	Founders Bank 5225 Wisconsin Avenue, NW	20015
Rigler	Matthew	Veritext Legal Solutions 1250 I Street, NW, #350	20005

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 10 of 12

Robinson	Juanita Carlene	Allen A. Flood, MD 650 Pennsylvania Avenue, SE, 420	20003
Sabogal	Luis Francisco	PNC Bank 1913 Massachusetts Street, NW	20036
Sauls	Catherine	Brennan Title Company 5100 Wisconsin Avenue, NW	20016
Scales	Kamarin	William C. Smith 1100 New Jersey Avenue, SE, Suite 1000	20003
Schwartz	Mercedes Gonzalez	PNGS Management 1350 Connecticut Avenue, NW, #1200	20036
Secret	Jason Reese	Self (Dual) 900 11th Street, SE, #201	20003
Sharp	Alison Y.	Buchanan Ingersoll & Rooney PC 1700 K Street, NW	20006
Slaughter	Tanya R.	Kellogg Hansen Todd Figel & Frederick 1615 M Street, NW, #400	20036
Smith	Andrea Ilene	National Consumers League 1701 K Street, NW, Suite 1200	20006
Snyder	Charlotte	McGuirewoods, LLP 2001 K Street, NW, #400	20006
Stinson	PJ	Ocean Conservancy 1300 19th Street, NW, 8th Floor	20036
Stoffel	Micah	Anderson Kill, LLP 1717 Pennsylvania Avenue, NW, Suite 200	20006
Sweeney	Colleen C.	MBH Settlement Group, L.C. 1300 I Street, NW, Suite 400 E	20005

D.C. Office of the Secretary
 Recommendations for Appointments as DC Notaries Public

Effective: December 1, 2020

Page 11 of 12

Tapp	Brigitte Yshell	Self (Dual) 38 Channing Street, NW, #335	20001
Tate	Mercedes	Children's National 111 Michigan Avenue, NW, Suite 4114	20010
Taylor	LeDrea Monei	The UPS Store 455 Massachusetts Avenue, NW	20001
Taylor	Vicki J.	Goldberg, Godles, Wiener & Wright, LLP 1025 Connecticut Avenue, NW, #1000	20036
Taylor-Fleming	Shaquita	Self (Dual) 1372 Kenyon Street, NW, #201	20010
Thomas	Jacqueline	Buchanan Ingersoll & Rooney PC 1700 K Street, NW, #300	20006
Tibbs	Paul Larry	Self 3005 Bladensburg Road, NE, #208	20018
Tiongquico	Rene	Self 4581 Macarthur Boulevard, NW, #203	20007
Toevs	Dalise Woolery	Founders Bank 5101 Wisconsin Avenue, NW, Suite 400	20016
Tolson	Duane Anthony	MESPORTS Inc. 3301 Brothers Place, SE	20019
Torres Robles	Anilka	The UPS Store 996 Maine Avenue, SW	20024
Upton	Michelle Diana	Grateful Real Estate Inc. 1200 G Street, NW, Suite 800	20012
Vest	DaMonique	Crowdskout, LLC 1101 K Street, NW, Suite 810	20011

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 1, 2020
Page 12 of 12

Vines Crosson	Angela	Self 3413 20th Street, NE	20018
Walls	Jennifer	NASA Federal Credit Union 300 E Street, SW, GC-21	20024
Ward	Pamela M.	Elizabeth Glaser Pediatric AIDS Foundation 1140 Connecticut Avenue, NW, #200	20036
West	Lisa Lynn	Self 1260 First Street, SW	20024
Whitehead	Willie T.	DC Protective Services 64 New York Avenue, NE, 4th Floor	20001
Wilkins	Cynthia M.	Self (Dual) 850 Quincy Street, NW, #217	20011
Williams	Miya J.	Transco, Inc. dba (District Cab Association) 3399 Benning Road, NE	20019
Wilson	Charrisse S.	Cato Institute 1000 Massachusetts Avenue, NW	20001
Wilson	Termetrice	Department of Health DC Vital Records 899 North Capitol Street, NE	20002
Wirth	Joshua S.	Community Title Network, LLC 1614 14th Street, NW	20009
Workman	Robin R.	Workman Notary Services 442 Park Road, NW	20010
Young	Sheila	Hogan Lovells US, LLP 555 13th Street, NW	20004

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Tuesday, November 10, 2020 at 9:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Emerging Issues | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Tuesday, November 10, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | |
|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Other Business | Committee Chairperson |
| 3. Executive Session | Committee Chairperson |
| 4. Adjournment | Committee Chairperson |

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

Application No. 19739-A of Ben Safran and Margot Locker, pursuant to 11 DCMR Subtitle Y, § 705.1, for a two year time extension of BZA Order No. 19739 approving special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 404.1, and under Subtitle E § 5007.1 from the accessory building rear yard setback requirements of Subtitle E § 5004.1, to construct a two-story rear addition to the existing principal dwelling unit and to construct a two-story accessory structure in the RF-2 Zone at premises 1828 15th Street, N.W. (Square 191, Lot 58).

HEARING DATES (19739):	May 9, 2018 and June 13, 2018
DECISION DATE (19739):	July 25, 2018
ORDER ISSUANCE DATE (19739):	August 2, 2018
TIME EXTENSION DECISION DATE:	October 7, 2020

SUMMARY ORDER ON REQUEST FOR TWO-YEAR TIME EXTENSION

Original Application. In Application No. 19739, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Ben Safran and Margot Locker (the “Applicant”) for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 404.1, and under Subtitle E § 5007 from the accessory building rear yard setback requirements of Subtitle E § 5004.1. The Board issued Order No. 19739 on August 2, 2018. (Exhibit 3.) Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became effective.

Request for Two-Year Time Extension. On August 1, 2020, the Applicant submitted a request that the Board grant a two-year extension of Order No. 19739. (Exhibits 1-5.)

Notice of the Request. Pursuant to Subtitle Y § 705.1(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 5.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 2B.

ANC Report. The ANC did not submit a formal resolution to the record.

OP Report. The Office of Planning submitted a report recommending approval of the time extension. (Exhibit 6.)

DDOT Report. The District Department of Transportation did not submit a report to the record.

Request to Extend the Validity of the Order

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order.

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 request for two-year time extension to the validity of the Board's approval in Order No. 19739 is hereby **GRANTED**, and the Order shall be valid until **August 2, 2022**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter G. May 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 16, 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.

**BZA APPLICATION NO. 19739-A
PAGE NO. 2**

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

Application No. 20267 of Frank Jackson, pursuant to 11 DCMR Subtitle X, Chapters 9, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.3, and pursuant to Subtitle X, Chapter 10, for a variance from the lot occupancy requirements of Subtitle D § 304.1, to replace the rear deck addition to an existing attached principal dwelling unit in the R-2 Zone at premises 736 Delafield Street, N.E. (Square 3788, Lot 51).

HEARING DATE: September 30, 2020

DECISION DATE: September 30, 2020

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 3.)

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") 5A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 15, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 36.)

OP Report. The Office of Planning submitted a report, dated May 8, 2020, recommending approval of the application. (Exhibit 17.)

DDOT Report. The District Department of Transportation submitted a report, dated May 4, 2020, indicating that it had no objection to the application. (Exhibit 18.)

Persons in Support. The Board received two letters from neighbors in support of the application. (Exhibits 34 and 35.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for a variance from the lot occupancy requirements of Subtitle D § 304.1.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.3.

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 15 – REVISED ARCHITECTURAL PLANS AND 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 16, 2020

¹Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

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

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

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

Application No. 20277 of Gary and Lauren Hudson, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 1004.1, to construct a two-story rear addition to a semi-detached principal dwelling unit in the R-17 Zone at premises 2506 I Street, N.W. (Square 17, Lot 45.)

HEARING DATE: Date: October 7, 2020

DECISION DATE: Date: October 7, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 27 (Revised); Exhibit 11 (Original)¹.)

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") 2A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 17, 2020, at which a quorum was present, the ANC voted a resolution to support the application. (Exhibit 13.)

OP Report. The Office of Planning submitted a report, dated September 25, 2020, recommending approval of the application. (Exhibit 28.)

DDOT Report. The District Department of Transportation submitted a report, dated September 24, 2020, indicating that it had no objection to the application. (Exhibit 29.)

Special Exception Relief

¹The application was amended to change the variance relief to special exception relief from the lot occupancy requirements of Subtitle D § 1004.1.

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 1004.1, to construct a two-story rear addition to a semi-detached principal dwelling unit in the R-17 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 9 – ARCHITECTURAL PLANS AND ELEVATIONS**.

VOTE: 4-0-1 Frederick L. Hill, Lorna L. John, Chrichaun S. Smith, and Peter G. May 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 21, 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

²Self-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. 20278 of Dylan Hanson, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.7, to construct a two-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 3015 25th Street, N.E. (Square 4288, Lot 820).

HEARING DATE: October 7, 2020¹

DECISION DATE: October 7, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 13 (Revised); Exhibit 11 (Original).)

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") 5C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on August 12, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 32.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 16.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 17.)

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.7, to construct a two-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone.

¹ This application was originally placed on the Board's expedited review calendar of September 16, 2020 but was removed and scheduled for a Virtual Public Hearing on October 7, 2020 at the request of ANC 5C. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

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 4 – ARCHITECTURAL PLANS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter G. May 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 21, 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

² 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.

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. 20283 of Keena Trapps, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 306.4 and 5201 from the rear addition requirements of Subtitle D § 306.3, to construct a one-story rear addition to an existing attached principal dwelling unit in the R-3 at premises 717 Emerson Street, N.W. (Square 3147, Lot 57).

HEARING DATE: Date: October 7, 2020
DECISION DATE: Date: October 7, 2020

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 9; Exhibit 35 (Revised Table of Calculations).)

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") 4D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 17, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 29.)

OP Report. The Office of Planning submitted two reports, dated May 22, 2020 (Exhibit 13) and September 25, 2020 (Exhibit 28¹) recommending approval of the application.

DDOT Report. The District Department of Transportation submitted a report, dated May 12, 2020, indicating that it had no objection to the application. (Exhibit 12.)

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 306.4 and 5201 from the rear addition requirements of Subtitle D § 306.3, to construct a one-story rear addition to an existing attached principal dwelling unit in the R-3 Zone.

¹ Exhibit 28 was submitted by OP to replace Exhibit 13 due to the amended requirements of Subtitle D § 5201 as reflected in the Text Amendments of Z.C. 19-14.

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 6 – ARCHITECTURAL PLANS AND ELEVATIONS**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter G. May 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 21, 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

BZA APPLICATION NO. 20283

PAGE NO. 2

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. 20291 of 2100 M Street Property Owner LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504.1, from the penthouse setback requirements Subtitle C § 1502.1, and pursuant to Subtitle X, Chapter 10, for variances from the setback requirement of Subtitle I § 201.6, from the closed court area requirements of Subtitle I §207.1, and from the loading berths requirements of Subtitle C § 905.2, to renovate and expand an existing 11-story office and retail building in the D-5 Zone at premises 2100 M Street, N.W. (Square 72, Lot 75).

HEARING DATE: October 7, 2020

DECISION DATE: October 7, 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") 2A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 16, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 40.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation submitted a report, dated September 29, 2020, stating that it has no objection to approval of the application. (Exhibit 38.) DDOT recommended that, for the life of the project, the Applicant shall implement 12 conditions from the Transportation Demand Management ("TDM") Plan, six conditions from the Loading Management Plan ("LMP") (both proposed by the Applicant in its August 21, 2020 Transportation Statement (Exhibits 33A1-33A2)), and one condition related to the low ceiling clearance.

Persons in Support. A letter in support was submitted from BSREP II Dupont Circle LLC, owners of the adjacent property at 1143 New Hampshire Avenue, NW. (Ex. 44.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for variances from the setback requirement of Subtitle I § 201.6, from the closed court area requirements of Subtitle I §207.1, and from the loading berths requirements of Subtitle C § 905.2.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 1504.1, from the penthouse setback requirements Subtitle C § 1502.1.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof 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 EXHIBITS 34A1 through 34A5 – UPDATED ARCHITECTURAL PLANS – PARTS 1, 2, 3, 4, AND 5 - and SUBJECT to the following CONDITIONS:**

¹ 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.

- A. The Applicant shall implement the following **Transportation Demand Management (TDM) Plan**, for the life of the project, as proposed in the August 21, 2020 Transportation Statement:
1. The Applicant shall identify Transportation Coordinators for the planning, construction, and operations phases of development. There shall be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
 2. The Applicant shall provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants shall be required to survey their employees and report back to the Transportation Coordinator.
 3. Transportation Coordinators shall develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
 4. Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
 5. The Applicant shall notify goDCgo each time a new office tenant moves in and provide TDM information to each tenant as they move in.
 6. The Applicant shall provide links to CommuterConnections.com and goDCgo.com on property websites.
 7. The Applicant shall implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby.
 8. The Applicant shall distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work, with a free and reliable ride home in an emergency.
 9. The Applicant shall provide employees who wish to carpool with detailed carpooling information and shall refer them to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.

10. The Applicant shall meet ZR16 requirements for showers and lockers for use by employees. Six showers and 61 lockers would be required if the project were new construction.
 11. The Applicant shall exceed ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking shall be provided free of charge to all employees. Sixteen short-term and 100 long-term bicycle spaces shall be provided.
 12. Long-term bicycle storage rooms shall accommodate non-traditional sized bikes, including cargo and tandem bikes.
- B. The Applicant shall implement the following **Loading Management Plan (LMP)**, for the life of the project, as proposed in the August 21, 2020 Transportation Statement:
13. A loading dock manager shall be designated by the building management who will be on duty during delivery hours. The dock manager shall be responsible for coordinating with vendors and office and retail tenants to schedule deliveries.
 14. The dock manager shall monitor inbound and outbound truck maneuvers and shall ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along 21st Street NW except during those times when a truck is actively entering or exiting a loading berth.
 15. Service vehicle/truck traffic interfacing with 21st Street NW traffic shall be monitored during peak periods and management measures shall be taken, if necessary, to reduce conflicts between truck and vehicular movements.
 16. The dock manager shall schedule deliveries using the berths such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver shall be directed to return at a later time when a berth will be available so as to not compromise safety or impede traffic flows on 21st Street, NW.
 17. Trucks using the loading dock shall not be allowed to idle and shall follow all District guidelines for heavy vehicle operation, including but not limited to, DCMR 20 – Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight).
 18. The dock manager shall be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock. The dock manager shall also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage

compliance with idling laws. The dock manager shall also post these materials and other relevant notices in a prominent location within the loading area.

- 19. The Applicant shall install a low clearance bar at the garage entry noting the height of the ceiling clearance.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter G. May 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 21, 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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART

BZA APPLICATION NO. 20291

PAGE NO. 5

THERE TO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 20294 of Mark Herzog, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the minimum side yard requirements of Subtitle D § 206.7, to construct a front porch addition to an existing principal detached dwelling unit in the R-1-B Zone at premises 4535 Alton Place, N.W. (Square 1566, Lot 12).

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 10 (Revised); Exhibit 4 (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 so 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") 3E.

ANC Report. ANC 3E did not submit a written report to the record.

OP Report. The Office of Planning submitted a report, dated May 29, 2020, recommending approval of the application. (Exhibit 14.)

DDOT Report. The District Department of Transportation submitted a report, dated May 28, 2020, indicating that it had no objection to the application. (Exhibit 15.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the minimum side yard requirements of Subtitle D § 206.7, to construct a front porch addition to an existing principal detached dwelling unit in the R-1-B 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 PLANS¹** at **EXHIBIT 6 – 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 15, 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.

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 § 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, DECEMBER 9, 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

20357 **Application of Nicholas S. Ingwersen & Stephanie L. Rogers**, pursuant
ANC 3F to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D
 § 5201 from the lot occupancy requirements of Subtitle D § 304, to
 replace an existing accessory garage, with a new, two-car accessory garage
 in the R-2 Zone at 2923 Tilden Street, N.W. (Square 2235, Lot 64).

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

DECEMBER 9, 2020

PAGE NO. 2

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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.

BZA PUBLIC MEETING NOTICE
DECEMBER 9, 2020
PAGE NO. 3

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**

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-34K
Z.C. Case No. 08-34K
Capitol Crossing IV LLC
(Modification of Significance to First-Stage PUD @ Square 566, Lot 861 –
Capitol Crossing Center Block)
October 24, 2019

Pursuant to notice, at its public hearing held on October 24, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered an application (the “Application”) from Capitol Crossing IV LLC¹ (the “Applicant”) for a modification of significance of Z.C. Order No. 08-34 (the “Original Order”), as extended by Z.C. Order No. 08-34B, and as modified by Z.C. Order Nos. 08-34A, 08-34C, and 08-34E through 08-34H, to revise Decision No. A.4 to modify the first-stage planned unit development (“PUD”) approved by the Original Order to add lodging and college/university educational uses to the permitted uses of the Commercial Building for Lot 861 in Square 566 (part of Record Lot 50) (the “Property”).

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT
I. BACKGROUND

NOTICE

1. On August 6, 2019, the Office of Zoning (“OZ”) sent the notice of the October 24, 2019, public hearing to: (Exhibit [“Ex.”] 17.)
 - Advisory Neighborhood Commissions (“ANCs”) 2C and 6C, the “affected ANCs” pursuant to Subtitle Z § 101.8;
 - ANC Single Member Districts (“SMDs”) 2C03 and 6C02, in which the Property is located;
 - Office of Planning (“OP”);
 - District Department of Transportation (“DDOT”);
 - Department of Energy and Environment (“DOEE”);
 - Department of Consumer and Regulatory Affairs (“DCRA”);
 - Council of the District of Columbia; and
 - Property owners within 200 feet of the Property.
2. OZ also published notice of the October 24, 2019, public hearing in the August 16, 2019, *D.C. Register* (66 DCR 010526) as well as through the calendar on OZ’s website. (Ex. 16.)

¹ Capitol Crossing IV, LLC, as the current owner of the Property, is the successor to the applicant in the Original Order, Center Place Holdings, LLC, on behalf of the District of Columbia, acting through the Office of the Deputy Mayor for Planning and Economic Development.

PARTIES

3. The Applicant and ANCs 2C and 6C were automatically parties per Subtitle Z § 403.5.
4. The Commission received no requests for party status.

PRIOR APPROVALS

5. Pursuant to the Original Order, the Commission approved:
 - A first-stage PUD (the “Approved First-Stage PUD”) for land and air rights above the Center Leg Freeway in an area generally bounded by Massachusetts Avenue, N.W. to the north, 2nd Street, N.W. to the east, E Street, N.W. to the south, and 3rd Street, N.W. to the west (the “Overall PUD Site”), divided into the:
 - North Block – Square 564, Lots 858 and 859;
 - Center Block – Square 566, Lots 860-863 and 7000; and
 - South Block – Square 658, Lots 862-864 and 7000; and
 - A consolidated PUD (the “Approved Consolidated PUD,” and collectively with the Approved First-Stage PUD, the “Approved Overall PUD”), for:
 - The following portions of the Overall PUD Site:
 - Platform and base infrastructure,
 - Site plan;
 - Landscaping and streetscape design;
 - Mix of uses, height, and density of each building;
 - Construction of all below-grade parking, concourse, and service levels; and
 - The North Block; and
 - A related Zoning Map amendment to the C-4 Zone District (now D-4) for the overall PUD Site.
6. The Original Order approved an approximate gross floor area (“GFA”) of 2,226,625 square feet for the Approved Overall PUD, or 8.74 floor area ratio (“FAR”) based on the Overall PUD Site, including:
 - Approximately 1,910,386 square feet of GFA devoted to office uses;
 - A minimum of 62,687 square feet of GFA devoted to retail uses;
 - Approximately 180,384 square feet of GFA devote to residential uses; and
 - Approximately 73,168 square feet of GFA devoted to institutional uses related to the Holy Rosary Church and the Jewish Historical Society.
7. As part of the Approved First-Stage PUD, the Original Order approved the Center Block to be developed with:
 - A commercial building with approximately 297,311 square feet of GFA devoted to office and ground-floor retail uses, and a maximum building height of 130 feet and 12 stories on the Property (the “Commercial Building”);
 - A residential building with approximately 150 units and ground-floor retail; and
 - Facilities for the Holy Rosary Church.

8. Prior to filing the Application, the Commission modified the Original Order as follows:
 - A time extension for a portion of the Approved Consolidated PUD (Z.C. Order No. 08-34B);
 - Center Block – a second-stage PUD approval for a portion of the Center Block involving the Holy Rosary Church facilities (Z.C. Order No. 08-34C);
 - North Block – modifications to the Consolidated PUD (Z.C. Order Nos. 08-34E and 08-34G); and
 - South Block – second-stage PUDs and a modification (Z.C. Case Nos. 08-34A, 08-34F, and 08-34H).²

II. THE APPLICATION

9. The Application, filed on July 1, 2019, requested a waiver from Subtitle Z § 400.9's requirement that a public hearing to consider setting down an application occur at least 35 days after the filing of the application, unless the applicant, in compliance with Subtitle Z § 400.10, files evidence that OP and the affected ANC(s) consent. The Application included consent for the waiver from OP and the affected ANCs 2C and 6C. (Ex. 3, 5, 13.)
10. The proposed lodging and college/university educational uses are permitted as a matter of right in the C-4 (now D-4) zone applicable to the Property by the Approved Overall PUD. (Subtitles I § 302.1 and U §§ 510.1(o), 512.1(a), 515.1(a), and 515.1(c).)
11. The Application stated that the Applicant would identify the specific lodging and college/university educational uses use(s) for the Commercial Building and submit corresponding architectural drawings as part of a second-stage PUD application for the Property.
12. The Application did not propose any changes to the overall height, bulk, or density of the Commercial Building as established by the Approved First-Stage PUD.
13. The Application included an analysis that concluded that the Application would not be inconsistent with the Comprehensive Plan (the "CP") because the proposed lodging and college/university educational uses at the Property would not be inconsistent with the CP's Generalized Policy Map ("GPM"), Future Land Use Map ("FLUM"), Guiding Principles, City-Wide Elements, and the Central Washington Area Element applicable to the Property (Ex. 2C).

The TAM

14. The Applicant filed an April 15, 2019, Transportation Assessment Memorandum prepared by Wells + Associates ("TAM") that looked at the anticipated trip generation, parking demand, and loading for the approved office use in comparison with the proposed lodging and college/university educational uses and concluded that adding the proposed lodging and college/university educational use to the Approved First-Stage PUD will not have an adverse transportation impact because: (Ex. 2F.)

² Z.C. Case Nos. 08-34D and 08-34I were withdrawn.

- The anticipated trip generation for the proposed college/university educational use will generate three more vehicle trips than the approved office use during the morning peak hours and one more vehicle trip than the office use during the afternoon peak hours. This minimal increase in vehicle trip generation is below DDOT's threshold for a traffic impact analysis and is not considered significant;
- The anticipated trip generation for the proposed lodging use will result in 12 more vehicle trips than the approved office use during the morning peak hours and 16 fewer vehicular trips than the approved office use during the afternoon peak hours;
- Parking demand for a lodging use within the District is significantly less (approximately 0.20 vehicles per room) than for office use (approximately 3.3 vehicles per 1,000 square feet);
- The parking requirements for the proposed lodging (approximately 33 parking spaces) and college/university educational uses (no parking requirements) are less than those of the approved office use (approximately 154 parking spaces);
- The total number of loading berths for the proposed lodging (one 30-foot berth, one 55-foot berth, and one 20-foot service/delivery space) and college/university educational use (one 30-foot berth, one 55-foot berth, and one 20-foot service/delivery space) are less than that required for the approved office use (three 30-foot berths and one 20-foot service/delivery space). The Approved First-Stage PUD included a 55-foot berth already in a shared and centralized below-grade facility; and
- As part of the second-stage PUD application, the Applicant will be required to work with DDOT to complete any required studies and determine what, if any, mitigation is required to ensure that there are no adverse impacts as a result of the change in use.

The Applicant's Public Hearing Testimony

15. At the October 24, 2019, public hearing, the Applicant presented a brief PowerPoint summary of the Application and otherwise rested on the materials submitted to the record (Ex. 25; Transcript of the October 24, 2019, Public Hearing ["Tr."] at 7.)

III. RESPONSES TO THE APPLICATION

OFFICE OF PLANNING

OP Setdown Report

16. OP submitted a July 18, 2019, report that recommended the Commission set down the Application for a public hearing and noted that the Commercial Building "would continue to have the approved ground floor retail use and there would be no change to the building's approved overall height, bulk and density." (Ex. 13.)

OP Hearing Report

17. OP submitted an October 11, 2019, hearing report (the "OP Hearing Report") recommending the Commission approve the Application because the proposed mix of uses for the Commercial Building would be consistent with "a goal of the Capitol Crossing PUD to provide daytime and nighttime activation of the neighborhood" and would be consistent with the intent of the Approved Overall PUD. (Ex. 23.)

OP's Public Hearing Testimony

18. OP testified in support of the Application at the public hearing and reiterated OP's recommendation to approve the Application and otherwise referenced OP's report in the case record. (Tr. at 7-8.)

OTHER DISTRICT AGENCIES

19. The OP Hearing Report listed the District agencies to which OP had referred the Application for review and comment as follows:
- DOEE;
 - Department of Housing and Community Development ("DHCD");
 - DDOT;
 - Department of Parks and Recreation ("DPR");
 - Department of Public Works ("DPW");
 - DC Public Schools ("DCPS");
 - DC Public Libraries ("DCPL");
 - Fire and Emergency Medical Services Department ("FEMS");
 - Metropolitan Police Department ("MPD"); and
 - DC Water.
20. Only DOEE and DDOT responded to the Application.

DEPARTMENT OF ENERGY AND ENVIRONMENT (DOEE)

21. The OP Hearing Report included comments DOEE sent electronically to OP on September 27, 2019, that:
- Encouraged the Applicant to increase the use of renewable energy and maximize opportunities for energy efficiency for the Commercial Building; and
 - Stated that the Commercial Building would undergo full regulatory compliance review by DOEE and other appropriate agencies during the permit application process.
22. DOEE did not testify at the public hearing.

DEPARTMENT OF TRANSPORTATION

23. DDOT submitted a September 27, 2019, report (the "DDOT Report") that stated no objections to the Application based on DDOT's conclusions that: (Ex. 22.)
- The TAM showed "relatively minor differences" in trip generation and loading for the proposed lodging and college/university educational uses compared to the approved office use, and a lower parking requirement for these proposed uses than the approved office use; and
 - The operational and curbside needs of each of the proposed additional uses would be different and influenced by the site design of the Commercial Building to be addressed during the second-stage PUD application process in which DDOT would work with the Applicant to perform any additional analysis on the selected land use and specific site design.
24. DDOT did not testify at the public hearing.

AREA NEIGHBORHOOD COMMISSIONS (“ANCs”)

25. ANC 2C submitted a June 28, 2019, letter (the “ANC 2C Report”) stating that at its regularly scheduled, duly-noticed June 11, 2019, public meeting, with a quorum of three out of three commissioners present, it voted to support the Application based on ANC 2C’s conclusions “that the proposed modification will be an overall benefit to the PUD and the surrounding area. The increased variety of commercial uses will activate the neighborhood 24-hours a day, complement the mix of approved uses within the PUD, and support the other commercial and institutional uses in the surrounding neighborhood. The additional nonresidential uses within the approved commercial building will create no additional adverse impacts.” (Ex. 4.)
26. ANC 6C submitted a July 15, 2019, letter (the “ANC 6C Report”) stating that at its regularly scheduled, duly-noticed July 10, 2019, public meeting, with a quorum of six out of six commissioners and the public present, the ANC voted to support the Application without stating any specific issues or concerns. (Ex. 12.)
27. Neither ANC 2C nor 6C testified at the public hearing.

PERSONS IN SUPPORT AND OPPOSITION

28. No persons submitted written materials or testified in support of or in opposition to the Application at the public hearing.

CONCLUSIONS OF LAW

1. Pursuant to Subtitle X § 300.1, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:
 - (a) *Results in a project superior to what would result from the matter-of-right standards;*
 - (b) *Offers a commendable number or quality of meaningful public benefits; and*
 - (c) *Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*
2. Pursuant to Subtitle X § 304.4, the Commission shall evaluate a proposed PUD to determine that the proposed development:
 - (a) *Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;*
 - (b) *Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and*

- (c) *Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.*
3. Subtitle Z § 704 authorizes the Commission to grant modifications of significance to previously approved final orders and plans provided that the hearing “shall be limited to the impact of the modification on the subject of the original application, and shall not permit the Commission to revisit its original decision.”
 4. Subtitle Z § 703.5 defines a modification of significance as “a modification to a contested case order or the approved plans of greater significance than a modification of consequence.”
 5. Subtitle Z § 703.6 includes “additional relief or flexibility from the zoning regulations not previously approved” as an example of a modifications of significance.
 6. The Commission concludes that the Application meets the definition of a modification of significance as a request to modify the Approved First-Stage PUD to add addition zoning relief to add the proposed lodging and college/university educational uses for the Commercial Building.
 7. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANCs 2C and 6C.
 8. The Commission concludes that the Application is consistent with the Approved First-Stage PUD, as authorized by the Original Order, as extended by Z.C. Order No. 08-34B, and as modified by Z.C. Order Nos. 08-34A, 08-34C, and 08-34E through 08-34H, because the proposed modification to allow the lodging and college/university educational uses for the Commercial Building:
 - Is minor as it only relates to the use of the Commercial Building;
 - Permits uses authorized as a matter of right in the Property’s C-4 (now D-4) zone;
 - Does not change the exterior of the Approved Overall PUD; and
 - Does not change the Commission’s analysis in granting the Approved First-Stage PUD under Subtitle X § 304.4 because the Application proposed no changes affecting the Approved First-Stage PUD’s:
 - Consistency with the Comprehensive Plan;
 - Mitigation or balancing any potential adverse impacts to ensure no unacceptable impacts; or
 - Proffered public benefits.

Not Inconsistent with the Comprehensive Plan

9. The Commission concludes that the proposed modifications to the use of the Commercial Building will be not inconsistent with the Comprehensive Plan, based on its review of

the Application's analysis of its consistency with the Comprehensive Plan, and for the reasons set forth therein. (Finding of Fact ["FF" 13.]

Mitigation of Impacts

10. The Commission concludes that the proposed lodging and college/university educational uses will not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities that cannot be fully mitigated or which are unacceptable given the quality of public benefits in the project, based on the analysis and determinations of the TAM and DDOT Report that the proposed lodging and college/university educational uses will not have any adverse transportation impact compared to the transportation impact of the approved office use at the Property. (FF 14, 23.) The Commission notes that the second-stage PUD application review for the Commercial Building will fully evaluate any proposed mitigation measures needed based on the final plans for the Commercial Building.

GREAT WEIGHT TO THE RECOMMENDATIONS OF OP

11. The Commission must give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
12. The Commission finds persuasive OP's analysis of the Application and its recommendation that the Commission approve the Application and concurs in that judgment.

GREAT WEIGHT TO THE WRITTEN REPORT OF THE ANC

13. The Commission must give "great weight" to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns" (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
14. The Commission finds the ANC 2C Report persuasive in its concern that the Commercial Building's uses improve the neighborhood and its determination that the Application addresses this concern and concurs with the ANC 2C Report's support of the Application.
15. Although the ANC 6C Report did not identify any issues or concerns to which the Commission can give great weight, the Commission notes that the ANC 6C Report supports the Application and concurs in that judgement.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- A modification of significance to Z.C. Order No. 08-34, as extended by Z.C. Order No. 08-34B, and as modified by Z.C. Order Nos. 08-34A, 08-34C, and 08-34E through 08-34H, as it applies to the first-stage PUD therein approved to permit office, hotel, and/or educational uses, in addition to the approved retail use, in the Commercial Building on Lot 861 in Square 566, by revising Decision No. A.4 to read as follows (additions shown in **bold and underlined** text):

- A.4 The Overall Project shall have an approximate gross floor area of 2,226,625 square feet, or 8.74 FAR based on the Site Area. As shown on the Final First Stage PUD Plans, the Overall Project shall include approximately 1,910,386 square feet of gross floor area devoted to office uses, **of which up to 276,688 square feet of gross floor area within the Center Block may be devoted to “lodging” and/or “education, college/university” uses**, a minimum of 62,687 square feet of gross floor area devoted to retail uses, approximately 180,384 square feet of gross floor area devoted to residential uses, and approximately 73,168 square feet of gross floor area devoted to institutional uses related to the Holy Rosary Church and the Jewish Historical Society.

All other conditions in Z.C. Order No. 08-34, as extended by Z.C. Order No. 08-34B, and as modified by Z.C. Order Nos. 08-34A, 08-34C, and 08-34E through 08-34H, remain in effect and unchanged.

VOTE (October 24, 2019): 5-0-0 (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 08-34K shall become final and effective upon publication in the *D.C. Register*; that is, on October 30, 2020.

BY ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-05D
Z.C. Case No. 13-05D
Forest City Washington
(Two-Year PUD Time Extension @ Square 744S, Lots 808 and 812)
February 11, 2019

At its properly noticed public meeting on February 11, 2019, the Zoning Commission for the District of Columbia (the “Commission”) considered the application the (“Application”) of Forest City Washington (the “Applicant”) for:

- A two-year time extension of Z.C. Order No. 13-05 (the “Original Order”), as modified by Z.C. Order No. 13-05B and as extended by Z.C. Order Nos. 13-05A and 13-05C, as it applied to the consolidated planned unit development (“PUD”) approved by the Original Order for property known as Lots 808 and 812 in Square 744S (the “F1 Parcel”¹); with
- A waiver from the limit of two time extensions, with the second limited to one-year, of Subtitle Z § 705.5 of the Zoning Regulations (Title 11 of the District of Columbia Code of Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) to allow a third time extension.

The Commission considered the Application pursuant to Subtitle Z, Chapters 1 and 7. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT
I. BACKGROUND

PARTIES AND NOTICE

1. The only parties to the Original Order other than the Applicant were Advisory Neighborhood Commission (“ANC”) 6D and D.C. Water.
2. The Applicant served the Application on ANC 6D and D.C. Water on January 4, 2019, as evidenced by the certificate of service included in the Application. (Exhibit [“Ex.”] 2 at 8.)

PRIOR APPROVALS

3. Pursuant to the Original Order, effective February 7, 2014, the Commission approved:
 - A consolidated PUD for the F1 Parcel that authorized the construction of a movie theater and parking garage structure (the “Approved Consolidated PUD”); and
 - A first-stage PUD for three lots known as the G1, G2, and G3 Parcels (the “G Parcels”); with
 - A related map amendment of the F1 Parcel to the CG/CR Zone District (now the CG-4 zone) and of the G Parcels to the CG/CR & CG/W-1 Zone Districts (now the CG-4 and CG-6 zones).

¹ The Original Order identified the F1 Parcel as “part of Lot 805 in Square 744S” (Z.C. Case No. 13-05, Ex. 2D and 17B1, Sheets A-3 and A-4). Lot 805 was subdivided into Lots 807 through 814 by a plat issued by the Office of Tax and Revenue dated October 24, 2017, and recorded among the records of the Office of the Surveyor in A&T Book 56 at Page 3876-E.

4. Decision No. C(2) of the Original Order limited the validity of the Approved Consolidated PUD for two years from the effective date of the Original Order, with the Applicant required to file for building permit by February 7, 2016, and to begin construction within three years of the Original Order's effective date – by February 7, 2017.
5. Pursuant to Z.C. Order 13-05A, effective November 25, 2016, the Commission approved a two-year extension to the validity of the Original Order, to extend the deadline to file for a building permit to construct the Approved Consolidated PUD to February 7, 2018, and for construction to start by February 7, 2019.
6. Pursuant to Z.C. Order No. 13-05B, effective November 25, 2016, the Commission approved a modification of the Original Order to revise the Approved Consolidated PUD's building design and materials, streetscape design, required parking spaces, and bikeshare memberships as traffic mitigation.
7. Pursuant to Z.C. Order No. 13-05C, effective May 11, 2019, the Commission approved a one-year extension of the validity of the Original Order, as previously extended by Z.C. Order 13-05A, to further extend the deadline to file the building permit application to February 7, 2019, with construction to start by February 7, 2020 (the "Second Extension").

II. THE APPLICATION

8. The Application, timely filed on January 3, 2019, prior to the February 7, 2019, expiration date of the Original Order (as extended by Z.C. Order Nos. 13-05A and 13-05C), asserted that despite the diligent efforts to complete all agreements with government agencies and neighboring property owners, and for reasons outside of its control, the Applicant was unable to file a building permit application by the February 7, 2019, expiration of the Approved Consolidated PUD.
9. The Application asserted that none of the material facts upon which the Commission based its Approved Consolidated PUD had changed substantially since the issuance of the Original Order, since at that time the Commission anticipated both the development of properties in the vicinity of the F1 Parcel and the adoption of a new version of the Zoning Regulations.
10. The Application included an affidavit by the Applicant stating that since the approval of the PUD, the Applicant proceeded diligently and in good faith to realize the Project, including: (Ex. 2E.)
 - Negotiating and executing a Land Disposition Agreement ("LDA") for the F1 Parcel with its owner, the District of Columbia, acting by and through the Deputy Mayor for Planning and Economic Development ("DMPED") and securing D.C. Council approval of the LDA;
 - Working with DMPED and D.C. Water to relocate the D.C. Water operations currently on the F1 Parcel to another location, a necessary step to construct the Approved Consolidated PUD, which required the District to acquire two relocation sites for D.C.

- Water and to secure funding for D.C. Water's construction of new relocated facilities on those new locations. The D.C. Council approved the funding for such relocation activity and a funding agreement between the District and D.C. Water was executed in 2018. Although these relocation activities were not within the Applicant's control but instead had to be undertaken by DMPED and D.C. Water, the Applicant helped manage the process between the District and D.C. Water and took the lead in drafting many of the required agreements necessary for the D.C. Water relocation efforts; (Ex. 2, 2D.)
- Negotiating and reaching agreement with DMPED and D.C. Water on D.C. Water operational matters that will remain on D.C. Water-owned property adjacent to the Property;
 - Negotiating and entering into a lease with the theater operator; and
 - Modifying the design of the Project to accommodate the needs of the theater operator.
11. The Applicant stated that since the date of the Original Order, it had expended approximately \$3,867,000 on:
- Negotiating the LDA;
 - Negotiating and executing site coordination, construction, and operational agreements with DMPED and D.C. Water to facilitate D.C. Water relocation efforts;
 - Negotiating the theater lease; and
 - Refining the design of the F1 Parcel to reflect changes caused by the agreements resulting from these negotiations (Ex. 2E.)
12. The Application stated that the requested two-year time extension – for which it sought a waiver from Subtitle Z § 705.5's limit of two time extensions, with the second limited to one year – was necessary for the Applicant to finish the design and permitting needed to move forward with the development of the F1 Parcel and would not prejudice the parties or break any law.

III. RESPONSES TO THE APPLICATION

OP REPORT

13. The Office of Planning ("OP") filed a January 18, 2019, report (the "OP Report") that recommended approval of the Application and the waiver from the limits of Subtitle Z § 705.5, based on OP's conclusions that: (Ex. 4.)
- There had been no substantial change to either the Comprehensive Plan or the development of the area around the F1 Parcel since the Original Order;
 - The Applicant had diligently pursued the multiple agreements with numerous government agencies and neighboring property owners necessary to relocate D.C. Water's facilities and the redevelopment of the F1 Parcel; and
 - The delay caused by these negotiations, which required the Applicant to refine the F1 Building before filing a building permit application, was beyond the Applicant's reasonable control.

DMPED

14. DMPED filed a January 7, 2019, that supported the Application, noting the Applicant's efforts to "work diligently" with DMPED and DC Water on the relocation efforts. (Ex. 5.)

D.C. WATER

15. Although D.C. Water received notice of the Application on January 4, 2019, it did not submit any response to Application.

ANC REPORT

16. ANC 6D submitted a December 15, 2018, report (the "ANC Report") stating that its regularly scheduled and duly noticed December 10, 2018 public meeting, at which a quorum was present, it voted in support of the Application as appropriate and necessary because the complexity of redeveloping the F1 Parcel required the relocation of some of D.C. Water's operations, which the ANC noted had made progress, and extensive coordination between different District Agencies. (Ex. 7.)
17. Since the ANC Report was not submitted into the record prior to the Commission's consideration of the Application at its meeting on February 11, 2019, the Commission did not consider it in its deliberations. (February 11, 2019 Public Meeting Transcript at 16-17.)

CONCLUSIONS OF LAW

1. Subtitle Z §§ 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z §§ 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. The Commission concludes that the Application was filed timely in compliance with Subtitle Z § 705.2 on January 3, 2019, prior to the expiration of the Second Extension on February 7, 2019.
3. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(a)'s requirement to serve the Application on all parties with at least 30 to respond because the Applicant served the Application on ANC 6D and D.C. Water on January 4, 2019, more than 30 days before the February 11, 2019, public meeting at which the Commission considered the Application.
4. The Commission concludes, based on the Application and the OP Report, that the Application met Subtitle Z § 705.2(b)'s requirement that none of the material facts upon which the Commission based its original approval of the Approved Consolidated PUD had been substantially because neither the Comprehensive Plan nor the development of the area surrounding the F1 Parcel had changed substantially since the Original Order.
5. The Commission concludes that the Application met Subtitle Z § 705.2(c)'s requirement to demonstrate with substantial evidence one or more of the following criteria, as detailed below:

- 1) *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;*
 - 2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
 - 3) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*
6. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(2) and (3) because the Applicant has demonstrated that the time needed to relocate D.C. Water's operations:
- Is beyond the Applicant's reasonable control;
 - Has rendered the Applicant unable to comply with the time limits of the Original Order for the Approved Consolidated PUD; and
 - Has caused the Applicant's inability to secure all required governmental agency approvals.
7. The Commission concludes that the Applicant met the requirements of Subtitle Z § 101.9 – good cause, no prejudice to parties, and not otherwise prohibited by law – for the requested waiver from Subtitle Z § 705.5's limit of two time extensions, with the second limited to one year because:
- The difficulties due to relocating D.C. Water's facilities on the F1 Parcel despite the Applicant's best efforts constituted "good cause";
 - None of the parties – D.C. Water or the ANC – opposed the waiver, which will accommodate D.C. Water's needs; and
 - The Commission has no knowledge of any law that would prohibit the waiver.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

8. The Commission must give "great weight" to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
9. The Commission found OP's recommendation to approve the Application persuasive and concurred in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

10. The Commission must give "great weight" to the issues and concerns raised in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood

Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

11. Although the ANC Report was not received in time for the Commission to consider it in its deliberations, the Commission notes that the ANC Report did not raise any issues or concerns and supported the Application, with which conclusion the Commission concurs.

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application’s request for: a two-year extension, with a waiver of Subtitle Z § 705.5’s time limits, of Z.C. Order No. 13-05, as modified by Z.C. Order No. 13-05B, and as extended by Z.C. Order Nos. 13-05A and 13-05C, as it established the validity period for its approval of the Consolidated PUD, with the Applicant required to file a building permit application to build the Consolidated PUD by **February 7, 2021**, and to begin construction of the Consolidated PUD no later than **February 7, 2022**.

VOTE (Feb. 11, 2019): 4-0-1 (Peter G. May, Anthony J. Hood, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**; Robert E. Miller not present, not voting)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 13-05D shall become final and effective upon publication in the *D.C. Register* on October 30, 2020.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**Z.C. ORDER NO. NO. 15-27B(1)****Z.C. Case No. 15-27B****Carr Properties OC, LLC****(Modification of Significance to Approved Consolidated PUD @ Square 3587, Lot 833)****July 27, 2020**

Pursuant to notice, at its virtual public meeting held on July 6, 2020, the Zoning Commission for the District of Columbia (the “Commission”) considered an application (the “Application”) from Carr Properties OC, LLC (the “Applicant”) for:

- A modification of significance to Z.C. Order No. 15-27 (the “Original Order”), which approved a consolidated planned unit development (“PUD”) for property including Lot 833 in Square 3587 (the “Building C1 Site”) to make minor design refinements to the Building C1 penthouse and to grant a special exception pursuant to Subtitle C § 1500.3(c) of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified) to permit nightclub, bar, cocktail lounge, and restaurant uses (“penthouse bar/restaurant uses”) in the penthouse of Building C1; and
- A second-stage PUD, with a related modification of significance of the Original Order that granted a first-stage PUD for property that included Lot 834 in Square 3587 (the “Building C2 Site”), including a special exception pursuant to Subtitle C § 1500.3(c) to permit penthouse bar/restaurant uses, to construct Building C2.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application as it relates to the first request stated above for the modification of significance for the Building C1 Site.¹

FINDINGS OF FACT**NOTICE**

1. On May 13, 2020, the Office of Zoning (“OZ”) sent notice of the virtual² public hearing to: (Exhibit [“Ex.”] 23.)
 - Advisory Neighborhood Commission (“ANC”) 5D, the “affected ANC” pursuant to Subtitle Z § 101.8;
 - ANC Commissioner for Single Member District 5D01 in which the Property is located;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Department of Energy and Environment (“DOEE”);
 - The D.C. Housing Authority (“DCHA”);
 - The Council of the District of Columbia (“DC Council”); and

¹ A separate order (Z.C. Order No. 15-27B(2)) will authorize the second-stage PUD and modification to the approved first-stage PUD for the Building C2 Site.

² The hearing was originally scheduled and noticed for April 23, 2020; however, because of the COVID-19 pandemic, OZ suspended all public hearings and the hearing did not occur as originally scheduled. (Ex. 17.)

- Property owners within 200 feet of the Building C1 and C2 Sites.
2. OZ also published notice of the July 6, 2020, public hearing in the *D.C. Register* on May 22, 2020 (67 DCR 5331), as well as through the calendar on OZ’s website. (Ex. 22.)

PARTIES

3. The only parties in the Original Order other than the Applicant and ANC 5D, both automatic parties per Subtitle Z § 403.5, were 1250 4th St Edens, LLC and Union Market Apartments, LLC (collectively, the “Parties in Support”).
4. The Applicant served notice of the Application on the Parties in Support, as part of the service to abutting owners, on September 14, 2018, as evidenced by the Certificate of Service included with the Application. (Ex. 2G.)
5. The Parties in Support did not file any response to the Application.
6. The Commission received no requests for party status.

PRIOR APPROVALS

7. Pursuant to the Original Order, the Commission approved:
 - A consolidated PUD (the “Approved Consolidated PUD”); and
 - A first-stage PUD (the “Approved First-Stage PUD,” and collectively with the consolidated PUD, the “Approved Overall PUD”); together with
 - A related Zoning Map amendment from the C-M-1 Zone District (current PDR-1 zone) to the C-3-C Zone District (current MU-9 zone) for property now known as Lots 833-835 and 838-840 in Square 3587 (the “Overall PUD Site”).³
8. The Original Order authorized the Approved Overall PUD to develop the Overall PUD Site with four buildings known as Buildings A through D containing a range of residential, retail, office, and hotel uses, to be constructed in two phases:
 - Phase I/Consolidated PUD – Including:
 - The southern portion of Building A (“Building A1”);
 - Building B; and
 - The southern portion of Building C (“Building C1”); and
 - Phase II/First-Stage PUD – Including:
 - The northern portion of Building A (“Building A2”);
 - The northern portion of Building C (“Building C2”); and
 - Building D.

³ At the time the Original Order was approved the Overall PUD Site was known as Lots 805, 814, and 817, which were Assessment and Taxation (“A&T”) lots located within Record Lot 6. The remaining portion of Record Lot 6 is known as A&T Lot 819 and is owned by the District. Lot 819 is not included within the Overall PUD Site. However, the Original Order approved significant improvements to Lot 819 that will be undertaken by the Applicant as part of development of the Overall PUD. (See Original Order, footnote 3.) Following approval of the Original Order, new A&T lots were created for the Overall PUD Site, such that the Overall PUD Site is now known as Lots 833-835 and 838-840. A new survey was also prepared and confirmed that the PUD Site area is 208,671 square feet, excluding Lot 819.

9. The Approved Consolidated PUD authorized Building C1 to be developed with:
 - A maximum building height of 130 feet;
 - Approximately 217,558 square feet of gross floor area (“GFA”) devoted to office use;
 - Amenity space in the penthouse for the office use;
 - Approximately 10,563 square feet of GFA devoted to retail use; and
 - 138 on-site parking spaces.
10. The Original Order (Decision No. A(7)) granted flexibility from the following requirements as development incentives for Building C as a whole:
 - Loading berth size requirements;
 - Rear yard depth requirements; and
 - Building lot control requirements.
11. Pursuant to Z.C. Order 15-27A, effective March 20, 2020, the Commission approved a second-stage PUD for Building A2.
12. Pursuant to Z.C. Order No. 15-27D⁴, effective February 21, 2020, the Commission approved a modification of consequence to the Original Order to revise the design and massing of Building C1’s penthouse.

THE APPLICATION

1. As related to Building C1, the Application, filed on March 22, 2019, requested approval for:
 - Minor design modifications to the penthouse; and
 - A special exception pursuant to Subtitle C § 1500.3(c) to permit penthouse bar/restaurant uses.The Application proposed:
 - That the habitable penthouse space would occupy approximately 5,646 square feet;
 - That the shape and location of the penthouse space would generally remain the same as originally approved; and
 - No changes to the exterior of the penthouse. (Ex. 2C.)
2. On December 19, 2019, the Applicant modified the Application to remove the requested minor design modifications to Building C1’s penthouse since the Commission had approved the proposed design modifications in Z.C. Case No. 15-27D. (Ex. 11.) The Applicant therefore requested that with regard to Building C1, the Commission set down for a public hearing only the requested special exception for the penthouse bar/restaurant uses for Building C1, since no further changes were proposed to the design of Building C1’s penthouse.

⁴ The Applicant withdrew its application in Z.C. Case No. 15-27C.

APPLICANT'S JUSTIFICATION

3. The Application asserted that the proposed penthouse bar/restaurant uses met the special exception standards of Subtitle C § 1500.3 and Subtitle X § 901.2 because they would not tend to affect adversely the use of neighboring property and would because be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.
4. The Application stated that during the week the penthouse would primarily be used as office amenity space as previously approved in the Original Order. The special exception would permit the Applicant to rent out the penthouse space to third parties for events not otherwise associated with the office use, which could include uses and/or events that fall within the “nightclub, bar, cocktail lounge, and restaurant” use categories as defined in the Zoning Regulations.
5. The Application provided evidence that the nightclub, bar, cocktail lounge, and restaurant uses proposed for the penthouse would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and would not tend to affect adversely the use of neighboring property because the requested special exception would:
 - Permit office tenants to take advantage of the penthouse space for informal gatherings for the majority of the week, and give the Applicant the ability to host outside third-party events on the evenings and weekends;
 - Create a unique and enjoyable space at the top of the Union Market neighborhood, overlooking the city, and would not create any adverse effects;
 - Be consistent with the goals of the penthouse regulations to generate an affordable housing contribution; and
 - Be located in penthouse structures that comply with all height, bulk, and setback standards set forth in Subtitle C § 1500.
6. The Application provided evidence that the proposed nightclub, bar, cocktail lounge, and restaurant uses met the special exception standards because the proposed use would not tend to affect adversely the use of neighboring property since:
 - The Approved Overall PUD authorized Building C to be surrounded on all sides by streets or alleys, with no portion of Building C directly abutting any residential properties (although the Overall PUD Site and much of its surroundings are presently vacant or under construction);
 - Building C1 is an office building without any residential tenants;
 - The proposed penthouse bar/restaurant use would likely not cause additional vehicular trips driving to the Building C1 Site to access the rooftop since the majority of the patrons visiting the proposed penthouse nightclub, bar, cocktail lounge, or restaurant uses would be residents or visitors of the Approved Overall PUD and/or the Union Market neighborhood; and
 - Any additional vehicular traffic caused by the proposed penthouse bar/restaurant use could be accommodated in Building C1, which provides more than the minimum number of on-site vehicle parking spaces required by the Zoning Regulations.

Public Hearing Testimony

7. At the July 6, 2020, virtual public hearing, the Applicant proffered John Crump of Smithgroup, Erwin Andres of Gorove/Slade Associates, Lauren Brandes of Oculus, and Shane Dettman of Holland & Knight as expert witnesses in architecture, transportation planning, landscape architecture, and land use planning, respectively. The Commission granted expert status to all four. (Ex. 15B.)
8. The Applicant rested on the existing case record and did not provide a formal presentation other than to give a general overview of the Application. However, the Applicant responded to questions posed by the Commission. None of the Commission's questions related to the proposed change in use for the penthouse in Building C1 but rather focused on Building C2.
9. The Applicant stated that it intended to provide approximately \$200,000 to the Housing Production Trust Fund ("HPTF") as a result of the penthouse habitable space in Building C1. (July 6, 2020 Public Hearing Transcript at 24.)

RESPONSES TO THE APPLICATION**OFFICE OF PLANNING REPORTS AND TESTIMONY**

10. In addition to testimony at the public hearing, OP submitted a total of two reports concerning the Application as it concerns Building C1:
 - A January 3, 2020, report recommending that the Commission set down the Building C1 components of the Application for a public hearing (the "Supplemental OP Setdown Report"); and (Ex. 12.)
 - A June 26, 2020, prehearing report recommending approval of the Application (the "OP Hearing Report"). (Ex. 28.)

The Supplemental OP Setdown Report

11. The OP Supplemental Setdown Report noted that the Commission, in its December 9, 2019, decision to set down the Application for a public hearing, only addressed the Building C2 components of the Application and did not include the proposed penthouse bar/restaurant uses for Building C1.
12. The Supplemental OP Setdown Report recommended also setting down the requested special exception for the penthouse bar/restaurant uses in the Building C1 penthouse as part of the Application because OP believed that the proposed penthouse bar/restaurant uses:
 - Met the special exception standards of Subtitle X § 901.2;
 - Would be consistent with the Approved Overall PUD to create an active, mixed-use development; and
 - Would generate an affordable housing contribution of \$203,599 to the HPTF as required by the proposed habitable penthouse space.

The OP Hearing Report

13. The OP Hearing Report recommended approval of the requested special exception “with flexibility to rent out the penthouse space to third parties for events not associated with the office use, which could include uses that fall within the ‘nightclub, bar, cocktail lounge or restaurant’ use category” because the proposed penthouse bar/restaurant uses in Building C1:
- “Would be in harmony with the intent of the approved PUD to create an active, mixed use development that would attract residents and tourists and bring greater vitality to Florida Avenue Market”;
 - Were permitted within the underlying zone and would generate an affordable housing contribution; and
 - Would not adversely affect the use of neighboring property due to its location on top of a 130-foot building and the substantial separations between Building C1 and nearby residential buildings.
14. The OP Hearing Report stated that it solicited comments from DHCD and DOEE on the Application, and that the Applicant met separately with DDOT to address transportation concerns. The OP Hearing Report included a chart summarizing the comments from the Commission at setdown and from OP and the other District agencies, and the Applicant’s responses thereto. (Ex. 28 at 3-7.)

OP Public Hearing Testimony

15. At the public hearing, OP testified in support of the Application and otherwise rested on the record of its previously submitted to the case record.

DDOT REPORT

16. DDOT submitted a June 22, 2020 report (the “DDOT Report”) stating it had no objection to the Application subject to conditions that applied solely to Building C2. (Ex. 27.) Although the DDOT Report primarily discussed Building C2, it recognized that the “Applicant also requests a Modification to an Approved Consolidated PUD for neighboring Building C1 to allow for a restaurant, night-club, or cocktail lounge on the penthouse level.” (Ex. 27 at 1.)
17. At the public hearing, DDOT testified in support of the Application and otherwise rested on the record.

ANC 5D

18. The ANC submitted an August 12, 2019, letter (the “ANC Report”) stating that at its regularly scheduled June 11, 2019, meeting, with a quorum of commissioners and the public present, ANC 5D voted to support the Application for a modification to Building C1’s penthouse based on the ANC’s determination that the proposed penthouse bar/restaurant uses in Building C1 would not create any adverse impacts to the neighborhood and would generate a contribution to the HPTF for affordable housing. (Ex. 18.)
19. The ANC did not attend or testify at the public hearing.

OTHER RESPONSES

20. The Parties in Support did not file a response to the Application or testify at the Public Hearing, and no other written responses were received. No individuals or organizations filed written responses to the Application or testified at the public hearing.

CONCLUSIONS OF LAW

1. Pursuant to Subtitle X § 300.1, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:
 - (a) *Results in a project superior to what would result from the matter-of-right standards;*
 - (b) *Offers a commendable number or quality of meaningful public benefits; and*
 - (c) *Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*
2. Pursuant to Subtitle X § 304.4, the Commission shall evaluate a proposed PUD to determine that the proposed development:
 - (a) *Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;*
 - (b) *Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and*
 - (c) *Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.*
3. Subtitle Z § 704 authorizes the Commission grant modifications of significance to previously approved final orders and plans provided that the hearing “shall be limited to the impact of the modification on the subject of the original application, and shall not permit the Commission to revisit its original decision.”
4. Subtitle Z § 703.5 defines a modification of significance as “a modification to a contested case order or the approved plans of greater significance than a modification of consequence.”
5. Subtitle Z § 703.6 includes “additional relief or flexibility from the zoning regulations not previously approved” as an example of a modifications of significance.
6. The Commission concludes that the Application meets the definition of a modification of significance as a request to add addition relief from the zoning regulations in the form of the special exception for the penthouse bar/restaurant uses.

7. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 5D and the Parties in Support.
8. The Commission concludes that the Application is consistent with the Approved Consolidated PUD, as authorized by the Original Order and as modified by Z.C. Order No. 15-27D, because the proposed modification to allow the penthouse bar/restaurant uses for Building C1:
 - Is minor as it only relates to the use of the penthouse;
 - Does not change the exterior of the Approved Consolidated PUD; and
 - Does not change the Commission's analysis in granting the Approved Consolidated PUD under Subtitle X § 304.4 because the Application proposed no changes affecting the Approved Consolidated PUD's:
 - Consistency with the Comprehensive Plan;
 - Mitigation or balancing any potential adverse impacts to ensure no unacceptable impacts; or
 - Proffered public benefits.

SPECIAL EXCEPTION REVIEW

9. Subtitle X § 303.13 authorizes the Commission to grant special exception relief as part of a PUD, upon demonstration of compliance with the special exception standards of Subtitle X § 901.2 that the proposed relief:
 - Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
 - Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
 - Will meet such special conditions as may be specified in this title.
10. For the Application's requested special exception relief from Subtitle C § 1500.3, there are no special conditions specified elsewhere in the Zoning Regulations.
11. The Commission concludes that the Application demonstrated compliance with the general special exception criteria that the proposed penthouse bar/restaurant uses will not tend to adversely affect the use of neighboring property and will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map because the penthouse bar/restaurant uses:
 - Would create a unique and enjoyable space at the top of the Union Market neighborhood and would not create any adverse effects;
 - Are consistent with the goals of the penthouse regulations to generate an affordable housing contribution;
 - Will be located in a penthouse that complies with all height, bulk, and setback standards set forth in Subtitle C § 1500;
 - Will be located in an office building without any residential tenants and will be surrounded on all sides by streets or alleys, with no portion of the building directly abutting any residential properties; and

- Will not likely cause transportation impacts because most patrons of the penthouse bar/restaurant uses will likely be residents or visitors of the Overall Approved PUD and/or the Union Market neighborhood that will not use vehicles to access the penthouse bar/restaurant uses and any additional vehicular trips to Building C1's penthouse bar/restaurant uses could be accommodated in building's parking facilities that exceed the number of parking spaces required by the Zoning Regulations.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

12. The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
13. The Commission finds persuasive OP’s analysis of the Application and its recommendation that the Commission approve the Application and concurs in that judgment.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

14. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
15. The Commission finds the ANC Report persuasive that the Application will not create adverse impacts to the neighborhood and will generate an affordable housing contribution to the HPTF, and concurs in the ANC Report’s support of the Application.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for: a modification of significance to Z.C. Order No. 15-27, as modified by Z.C. Order 15-27D, to permit nightclub, bar, cocktail lounge, and restaurant uses in the penthouse of Building C1 and to revise Decision No. A.1 to read as follows (additions in **bold and underlined** text, deletions shown in ~~**bold and strikethrough**~~ text):

- A.1. The Project shall be developed in accordance with:
 - (a) The Architectural Plans and Elevations dated December 23, 2016 (Ex. 61A1-61A15), as supplemented by the revised sheets dated January 26, 2017 (Ex.

72A1-72A3), and as revised and supplemented by the sheets dated March 13, 2017 (Ex. 75A1-75A2), and as revised by the sheets dated April 7, 2017 (Ex. 76A) (“Plans”), all in the record of Z.C. Case No. 15-27;

- (b) As modified for the penthouse of Building C1, which shall be developed in accordance with the architectural drawings at Exhibit 1E of Z.C. Case No. 15-27D, dated October 1, 2019 (**“Modified C1 Penthouse Plans”**), **as modified by the architectural drawings at Exhibit 2C of Z.C. Case No. 15-27B, dated March 15, 2019;**

and as modified by the guidelines, conditions, and standards of this Order, as may be further modified by the Commission.

All other conditions of Z.C. Order Nos. 15-27 and 15-27D remain unchanged and in effect.

VOTE (July 27, 2020): 5-0-0 (Michael G. Turnbull, Anthony J. Hood, Robert E. Miller, Peter G. May, and Peter A. Shapiro to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 15-27B(1) shall become final and effective upon publication in the *D.C. Register*; that is, on October 30, 2020.

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

District of Columbia REGISTER – October 30, 2020 – Vol. 67 - No. 45 012612 – 012823