

District of Columbia

REGISTER

HIGHLIGHTS

- Alcoholic Beverage Regulation Administration increases the reimbursement percentage for Metropolitan Police Department detail officers
- Department of Behavioral Health updates reimbursement guidelines for behavioral health stabilization providers
- Office of the State Superintendent of Education updates regulations governing the application deadline for the District of Columbia Tuition Assistance Grant (“DCTAG”)
- Department of Energy and Environment announces funding for net-zero energy building innovation and design case study projects
- Department of Energy and Environment seeks partners to coordinate job placement for the Build Green DC Workforce Development Program
- Department of For Hire Vehicles modifies the mileage and maximum age of taxicab requirements to alleviate the economic impact of the COVID-19 health emergency on the taxicab industry
- Department of Health (DC Health) solicits partners to develop programs for improving women, perinatal/infant, child, adolescent, and special needs health care services
- Department of Motor Vehicles authorizes the Department of For-Hire Vehicles to issue notices of infraction for moving violations
- Office of the Secretary of State of the District of Columbia announces availability of grants for promoting District of Columbia voting rights and statehood

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

All documents published in the *District of Columbia Register* (*Register*) must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the D.C. government (6) Notices, Opinions, and Orders of D.C. Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

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Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ROOM 520S – 441 4th STREET, ONE JUDICIARY SQUARE - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

A RESOLUTION

23-567

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 10, 2020

To reappoint Ms. Millicent Gorham to the Not-For-Profit Hospital Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Not-For-Profit Hospital Corporation Board of Directors Millicent Gorham Reappointment Resolution of 2020”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Millicent Gorham
Longfellow Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Not-For-Profit Hospital Corporation Board of Directors, pursuant to section 5115 of the Not-For-Profit Hospital Corporation Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04), for a term to end December 21, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Not-for-Profit Hospital Corporation Board of Directors, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

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

B23-1009 Office of the Chief Medical Examiner Amendment Act of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

B23-1011 Minor Consent to Healthcare for HIV and AIDS Regulations Amendment Act of 2020

Intro. 11-30-2020 by Councilmembers Pinto, and Nadeau and referred to the Committee on Health

PR23-1039 Launchpad Development Two DC, LLC Revenue Bonds Project Approval Resolution of 2020

Intro. 11-19-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-1042 Howard Center and Howard Tubman Quad Refunding Revenue Bonds Project Approval Resolution of 2020

Intro. 11-19-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-1043 District of Columbia Housing Authority Board of Commissioners Jose Ortiz Gaud Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Housing and Neighborhood Revitalization

PR23-1044 District of Columbia Housing Authority Board of Commissioners Dionne Bussey-Reeder Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Housing and Neighborhood Revitalization

PR23-1045 District of Columbia Housing Authority Board of Commission LeJuan Strickland Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Housing and Neighborhood Revitalization

PR23-1046 District of Columbia Combat Sports Commission Kimberly Lockett Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR23-1047 Board of Zoning Adjustment Carl Blake Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee of the Whole

PR23-1048 Chief Administrative Law Judge of the Office of Administrative Hearings Margaret Colleen Currie Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Government Operations

PR23-1049 Not-For-Profit Hospital Corporation Board of Directors Eydie Whittington Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Health

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B23-1008, Reverse Mortgage Insurance and Tax Payment Program Temporary Amendment Act of 2020, and **B23-1015**, Police Reform Commission Extension Temporary Amendment Act of 2020, and **B23-1018**, FOIA Tolling Temporary Amendment Act of 2020 adopted on first reading on December 1, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on December 15, 2020.

<p style="text-align: center;">COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF NOVEMBER 30, 2020</p>

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Hawkins, Candy	Office Manager	3	Excepted Service - Reg Appt
Clayton, Melvin	Senior Policy Analyst	7	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

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

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

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

Telephone: 724-8050

GBM 23-116

FY 2020 Grant Budget Modifications as of October 29, 2020

RECEIVED: 2-day review begins November 25, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
12/4/2020

Notice is hereby given that:

License Number: ABRA-088966

License Class/Type: B Retail - Grocery

Applicant: Hanmi Corp

Trade Name: Best World Supermarket

ANC: 1D04

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

3178 MOUNT PLEASANT ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
2/8/2021

A HEARING WILL BE HELD ON:
3/1/2021

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	9:30 am - 10 pm
Monday:	8 am - 9:30 pm	9 am - 9:30 pm
Tuesday:	8 am - 9:30 pm	9 am - 9:30 pm
Wednesday:	8 am - 9:30 pm	9 am - 9:30 pm
Thursday:	8 am - 9:30 pm	9 am - 9:30 pm
Friday:	8 am - 9:30 pm	9 am - 9:30 pm
Saturday:	8 am - 9:30 pm	9 am - 9:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 4, 2020
Protest Petition Deadline: February 8, 2021
Roll Call Hearing Date: March 1, 2021
Protest Hearing Date: May 5, 2021

License No.: ABRA-117535
Licensee: Mehyar, LLC
Trade Name: Charcoal Town
License Class: Retailer's Class "C" Restaurant
Address: 1027 31st Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2E

SMD 2E05

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 March 1, 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 May 5, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 13 and Total Occupancy Load of 62. Summer Garden with seating capacity of 49.

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

Sunday through Saturday 1pm - 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Placard Posting Date: December 4, 2020
Protest Petition Deadline: February 8, 2021
Roll Call Hearing Date: March 1, 2021
Protest Hearing Date: May 5, 2021

License No.: ABRA-117509
Licensee: Five Iron Golf DC, LLC
Trade Name: Five Iron Golf DC
License Class: Retailer's Class "C" Restaurant
Address: 575 7th Street, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2C

SMD 2C01

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 March 1, 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 **May 5, 2021 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant offering high-end casual American cuisine. Total Occupancy Load of 170 with seating for 60 patrons.

HOURS OF OPERATION

Sunday 8am – 2am
Monday through Thursday 6am – 2am
Friday 6am – 3am
Saturday 8am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 8am – 2am
Friday and Saturday 8am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 4, 2020
Protest Petition Deadline: February 8, 2021
Roll Call Hearing Date: March 1, 2021
Protest Hearing Date: May 5, 2021

License No.: ABRA-117405
Licensee: H Street, LLC
Trade Name: H Street Fine Wine and Liquors
License Class: Retailer's Class "A" Liquor Store
Address: 475 H Street, N.W.
Contact: Jeffrey Jackson: (202) 251-1566

WARD 2

ANC 2C

SMD 2C02

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 March 1, 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 May 5, 2021 at 4:30 p.m.

NATURE OF OPERATION

Applicant is requesting a Retailer's "A" Liquor Store License.

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Thursday 9am - 10pm, Friday and Saturday 9am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 4, 2020
Protest Petition Deadline: February 8, 2021
Roll Call Hearing Date: March 1, 2021
Protest Hearing Date: May 5, 2021

License No.: ABRA-117530
Licensee: Madison Consulting, Inc.
Trade Name: The Pitch
License Class: Retailer's Class "C" Tavern
Address: 4015 Georgia Avenue, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 4

ANC 4C

SMD 4C07

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 March 1, 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 **May 5, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Tavern with a seating capacity of 60 and Total Occupancy Load of 60. Summer Garden with a seating capacity of 15. Sidewalk Café with a seating capacity of 8. Establishment will have an Entertainment Endorsement with Dancing and Cover Charge inside of the premises only.

HOURS OF OPERATION FOR INSIDE PREMISES

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

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

Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN AND SIDEWALK CAFE

Sunday through Thursday 8am – 10pm, Friday and Saturday 8am – 12am

HOURS OF LIVE ENTERTAINMENT INSIDE THE PREMISES ONLY

Sunday through Thursday 6pm – 1:30am, Friday and Saturday 6pm – 2:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 4, 2020
Protest Petition Deadline: February 8, 2021
Roll Call Hearing Date: March 1, 2021
Protest Hearing Date: May 5, 2021

License No.: ABRA-117327
Licensee: Bro Weekend Collective, LLC
Trade Name: Undercurrent Collective
License Class: Retailer's Class "A" Internet
Address: 26 K Street, N.E.
Contact: Frank Knizner: (202) 449-3739 ext.#6

WARD 6

ANC 6C

SMD 6C06

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 March 1, 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 May 5, 2021 at 1:30 p.m.

NATURE OF OPERATION

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

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am - 12am

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARINGS**

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following properties a historic district in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the neighborhood to the National Register of Historic Places as a historic district:

Case No. 21-03: Colony Hill Historic District

Including Hoban Road NW, all addresses; Hadfield Lane NW, all addresses; 1800 block 45th Street NW, all addresses; and 1699, 1701, 1709, 1717 Foxhall Road NW.

Also known as Square 1328, Lots 1-3, 5-7, 12 and 803; Square 1346, Lots 2, 800, 875-879 and 889-894; Square 1347, all lots; Square 1348, all lots; and Square 1349, all lots.

Applicant: Colony Hill Neighborhood Association

Affected Advisory Neighborhood Commission: 3D

The hearing will take place at **9:00 a.m. on Thursday, January 28, 2021**. It will be an online “virtual” hearing, the details of which will be available here: <https://planning.dc.gov/node/1176060>. It will be conducted in accordance with the Review Board’s Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board’s hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

A copy of the historic designation application is posted on the office website at <https://planning.dc.gov/node/1500256>. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government’s official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation’s heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at timothy.dennee@dc.gov.

BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
WEDNESDAY, JANUARY 27, 2021
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 THREE

20348
ANC 3E **Application of 51 Friendship Development Partners, LLC** , pursuant to 11 DCMR, Subtitle X, Chapter 9, for a special exception under the zone boundary line requirements of Subtitle A § 207.2, in order to extend the MU-4 Zone regulations to a 35-foot portion of the site zoned R-2, to raze the existing building, and to construct a five story 177-unit apartment building at in the MU-4/R-2 Zone at premises 5151 Wisconsin Avenue, N.W. (Square 1666, Lot 807).

WARD ONE

20352
ANC 1A **Application of 426 MANOR PLACE, LLC** , pursuant to 11 DCMR, Subtitle X, Chapter 9, for special exceptions under the residential conversion requirements of Subtitle U § 320.2, and under Subtitle C § 703.2, from the minimum parking 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, N.W. (Square 3036, Lot 67).

WARD EIGHT

20355
ANC 8C **Application of T-Mobile Northeast, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitles C §§ 1304.2 and 1312 from the roof mounted antenna height requirements of Subtitle C § 1304.1(b), to modify an existing rooftop antenna in the PDR-1 Zone at premises 2633 Barry Road S.E. (Square 5864, Lot 807).

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JANUARY 27, 2021

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WARD FIVE

20359 **Application of 1301 West Virginia, LLC**, pursuant to 11 DCMR
ANC 5D Subtitle X, Chapter 9, for special exceptions under the residential
conversion requirements of Subtitle U § 320.2, including a waiver from
the rear addition requirement of Subtitle U § 320.2(e), from the
penthouse requirements of Subtitle C § 1500.4, and pursuant to Subtitle
X, Chapter 10, for an area variance from the residential conversion
requirements of Subtitle U § 320.2(d), to convert the existing principal
dwelling unit into a five-unit apartment house in the RF-1 Zone at
premises 1301 West Virginia Avenue N.E. (Square 4064, Lot 75).

WARD SIX

20360 **Application of 555 E Street SW, LLC**, pursuant to 11 DCMR Subtitle
ANC 6D X, Chapter 10, for an area variance from the loading berth minimum
vertical clearance requirements of Subtitle C § 905.2, to permit an
existing loading berth in the D-5 Zone at premises 555 E Street SW
(Square 494, Lot 36).

WARD SEVEN

20361 **Application of G3, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10,
ANC 7C for area variances from the lot subdivision requirements of Subtitle C §
302.1, the minimum side yard requirements under Subtitle D § 206.3,
and the minimum lot dimension requirements of Subtitle D § 302.1, to
subdivide a vacant lot and construct two semi-detached, principal
dwelling units in the R-2 zone, at premises 5135 Lee Street NE (Square
5200, Lot 113).

WARD TWO

20362 **Application of Tirzah Lollar and John R Lollar**, pursuant to 11
ANC 2F DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E
§§ 205.5 and 5201, from the rear yard requirements of Subtitle E §
205.4, to construct a rear addition and to replace an existing rear deck
addition to an existing flat in the RF-1 zone, at premises 1327 Q Street
NW (Square 240, Lot 73).

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JANUARY 27, 2021

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WARD SIX

20363
ANC 6B **Application of Peter and Karen Byrne**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential use provisions of Subtitle U § 601.1(d), from the alley lot use requirements of Subtitle U § 600.1(f), and under Subtitle E § 5201.3, from the side yard requirements Subtitle E § 5105.1, and from the alley centerline setback requirements of E § 5106.1 , to convert an existing residential parking garage to a two-story, attached, principal dwelling unit in the RF-1 Zone at premises 514 Archibald Walk SE (Square 877, Lot 845).

WARD SIX

20365
ANC 6A **Application of Kari McCarron and Jesse Leifert**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle § 304.1, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone, at premises 903 11th Street, NE (Square 980, Lot 24).

WARD FIVE

20366
ANC 5E **Application of Colleen A Slattery, Trustee**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to expand two existing rear balconies, on the second and third stories of an existing flat, in the RF-1 Zone, at premises 2026 North Capitol Street, NW (Square 3117, Lot 78).

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

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JANUARY 27, 2021

PAGE NO. 4

at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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

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 (REVISED)

JANUARY 27, 2021

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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, FEBRUARY 24, 2021
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 TWO

Application of:	Matthew and Alicia Amling
Case No.:	20374
Address:	3617 T Street N.W. (Square 1296, Lot 338)
ANC:	2E
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • the front yard setback requirements of Subtitle D § 1205.2 (pursuant to Subtitle D § 5201.3 and Subtitle X § 901.2)
Project:	To construct a front vestibule addition to an existing, two-story, principal dwelling unit in the R-20 Zone

WARD ONE

Application of:	16 th Street Residential, LLC
Case No.:	20377
Address:	1630 Columbia Road N.W. (Square 2578, Lot 834)
ANC:	1C
Relief:	Special Exception under: <ul style="list-style-type: none"> • the use provisions of Subtitle U § 420.1(g); (pursuant to Subtitle X 901.2) Area Variance from: <ul style="list-style-type: none"> • the distance requirements of Subtitle U § 420.1(g)(5) (pursuant to Subtitle X, Chapter 10)
Project:	To allow ground floor café to be accessible to the public, as an accessory use to an existing apartment house in the RA-4 Zone

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WARD SIX

Application of:	Haider Haimus and Jessica Bachay
Case No.:	20382
Address:	308 11th Street N.E. (Square 963, Lot 68)
ANC:	6A
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and X § 901.2) • the alley centerline setback requirements of Subtitle E § 5004.1(pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a third-story addition and roof deck addition to an existing two-story flat, and a second-story addition to an existing accessory detached garage, in the RF-1 Zone

WARD ONE

Application of:	1435 Clifton, LLC
Case No.:	20383
Address:	1435 Clifton Street N.W. (Square 2664, Lot 814)
ANC:	1B
Relief:	Special Exception from: <ul style="list-style-type: none"> • the lot occupancy requirements of Subtitle F § 304.1 (pursuant to Subtitle F § 5201 and Subtitle X § 901.2)
Project:	To construct a new, three-story, attached, 8-unit apartment house, with a penthouse, in the RA-2 Zone.

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 FEBRUARY 24, 2021
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WARD EIGHT

Application of:	Simone Management, LLC
Case No.:	20386
Address:	3044 30th Street S.E. (Square 5720, Lot 12)
ANC:	8B
Relief:	Special Exception under: <ul style="list-style-type: none"> • the new residential development requirements of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2)
Project:	To convert an existing, two-story, principal dwelling unit, to a three-story, 16-unit apartment building with a cellar, in the RA-1 Zone.

WARD FIVE

Application of:	LENJESWIL, LLC
Case No.:	20389
Address:	1915 Shepherd Street N.E. (Square 4194, Lot 841)
ANC:	5B
Relief:	Area Variances from: <ul style="list-style-type: none"> • the side yard requirements of Subtitle D § 206.2 (pursuant to Subtitle X, Chapter 10) • the minimum lot dimension requirements of Subtitle D § 302.1(pursuant to Subtitle X, Chapter 10)
Project:	To construct a new, detached principal dwelling unit, with a detached two-story accessory garage, in the R-1-B Zone.

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 FEBRUARY 24, 2021
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WARD FOUR

Application of:	DMV Property, LLC
Case No.:	20391
Address:	5320-5322 Georgia Avenue N.W. (Square 2931, Lot 812)
ANC:	4C
Relief:	Special Exceptions from: <ul style="list-style-type: none"> the rear yard requirements of Subtitle G § 405.2 (pursuant to Subtitles G §§ 409.1 and 1201.1; and Subtitle X § 901.2)
Project:	To construct a second-story, rear addition to an existing, non-conforming, two-story building in the MU-4 Zone.

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?

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Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

BZA PUBLIC HEARING NOTICE
FEBRUARY 24, 2021
PAGE NO. 5

ካስፈላገዎች 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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Korean

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

Spanish

¿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**

The proposed text amendments would apply city-wide.

Blackline and Clean Versions of Proposed Text

Per the Commission’s request, OP has provided a “clean” version of the proposed final text (*i.e.*, without the edits to the current text of Subtitle J), in addition to the blackline text that follows, in the record for Z.C. Case No. 19-27B, available online at the Office of Zoning’s Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

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

I. Proposed Amendments to Subtitle A, AUTHORITY AND APPLICATION

Subsections 101.9 and 101.10 of § 101, INTERPRETATION AND APPLICATION, of Chapter 1, INTRODUCTION TO TITLE 11, of Subtitle A, AUTHORITY AND APPLICATION, are proposed to be amended to read as follows:

101.9 The following zone districts are considered residential zone districts:

- (a) R, Residential House (single family);
- (b) RF, Residential Flat;
- (c) RA, Residential Apartment (multi-family);
- ~~(d) RC-1, Reed-Cooke (multi-family);~~
- ~~(e)~~ **(d)** CG-1 Capital Gateway (multi-family); and
- ~~(f)~~ **(e)** D-1 Downtown (multi-family).

101.10 The following zones districts are considered mixed-use zones, commercial zones, or special purpose zones:

- (a) ARTS, Mixed-Use Uptown Arts;
...
- (f) ~~NC~~ **NMU**, Neighborhood Mixed-Use;
- ~~(g) RC, Reed-Cooke (except RC-1);~~

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

- ~~(h)~~ (g) SEFC, Southeast Federal Center;
- ~~(i)~~ (h) StE, Saint Elizabeths East Campus;
- ~~(j)~~ (i) USN, Union Station North; and
- ~~(k)~~ (i) WR, Walter Reed.

Paragraph (g) of § 200.2 of § 200, CODE ORGANIZATION, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICATION, is proposed to be amended to read as follows:

- 200.2 The Zoning Regulations consist of:
- (a) Subtitle B – Definitions, Use Categories, and Rules of Measurement;
 - ...
 - (g) Subtitle H - Neighborhood Mixed-Use (~~NC~~ NMU) Zones;

Paragraph (d) of § 202.1 of § 202, ZONE DISTRICTS, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICATION, is proposed to be amended to read as follows:

- 202.1 For the purpose of this title, the District of Columbia shall be divided into the following zone districts:
- (a) Residential House (R) – low-density single dwelling unit residential;
 - ...
 - (d) Mixed-Use (MU) and Neighborhood Mixed-Use (~~NC~~ NMU) – mixed-use commercial-residential zones;
 - ...

Section 207, ZONE BOUNDARY LINE CROSSING A LOT, of Chapter 2, ADMINISTRATIVE ZONING REGULATIONS, of Subtitle A, AUTHORITY AND APPLICATION, is proposed to be amended by revising §§ 207.2 and 207.3, to read as follows:

- 207.1 When a zone boundary line divides a lot ...
- 207.2 **If For a lot subject to Subtitle A § 207.1, if** approved by the Board of Zoning Adjustment as a special exception under Subtitle X, **Chapter 9**, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:

- 207.3 For the purpose of interpreting this section, the zones established in this title are listed in the following groups of decreasing use restrictions:
- (a) R and MU-11 zones;
 - (b) RF, RA, MU-1, MU-2, MU-15, ~~MU-16, and MU-23~~, and D-2 zones, ~~and RC-1~~;
 - (c) MU-3 through MU-9, ~~MU-17 through 21, MU-24 through MU-28~~, D-1, D-3 through D-7, ~~NC zones~~ NMU, and ARTS-1 through ARTS-3, ~~RC-2, and RC-3~~;
 - (d) MU-10, MU-12, MU-13, MU-14, ~~MU-22, and MU-29~~, and ARTS-4; and
 - (e) PDR zones.

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

Subsection 318.7 of § 318, RULES OF MEASUREMENT FOR REAR YARDS, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES is proposed to be amended to read as follows:

- 318.7 In the case of a corner lot in the MU-1, MU-2, MU-8, MU-9, MU-15, ~~MU-16, MU-20, MU-21, MU-23, MU-30, NC-13~~, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

III. Proposed Amendments to Subtitle C, GENERAL RULES

Subsection 204.9 of § 204, NONCONFORMING USES, of Chapter 2, NONCONFORMITIES, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

- 204.9 ~~If approved by the Board of Zoning Adjustment, a~~ A nonconforming use may be changed to another nonconforming use, ~~subject to the general~~ if approved by the Board of Zoning Adjustment as a special exception ~~criteria of pursuant to~~ Subtitle X, Chapter 9, and **subject to** the following conditions:
- (a) The proposed non-conforming use would be permitted as a matter-of-right in the most restrictive subtitle in which the existing non-conforming use is

permitted as a matter of right, in accordance with following order, from most restrictive to least restrictive subtitle:

- (1) Subtitle D – Residential House (R) zones;
- ...
- (4) Subtitle H – Neighborhood Mixed-Use (~~NC~~ NMU) zones;
- ...

Subsection 601.2 of § 601, APPLICABILITY OF GREEN AREA RATIO STANDARDS, of Chapter 6, GREEN AREA RATIO, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

601.2 Except as provided in Subtitle C § 601.3 and pursuant to the conditions and requirements of this chapter, properties in all zones except the R and RF zones shall provide a GAR as specified in the development standards chapter for the specific zone.

Subsection 701.1 of § 701, MINIMUM PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

701.1 The minimum parking requirements set forth in this section shall apply to the R, RF, RA, MU, ~~NC~~ NMU, and PDR zones; and only as specified in zones within Subtitle K.

Paragraph (a) of § 707.3 of § 707, MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

707.3 The provision of excess parking spaces shall require the following transportation demand management features:

- (a) For any site for which the parking requirement of Subtitle C § 701.5 is twenty (20) parking spaces or greater, any excess parking spaces greater than ~~two times (2 X)~~ twice the minimum parking required for that use shall require the following transportation demand management measures:
 - (1) Bicycle parking spaces ...
 - ...

Paragraph (d) of § 709.1 of § 709, RULES OF CALCULATION, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

709.1 Gross floor area shall be as defined in Subtitle B, except that for purposes of calculating off-street parking requirements:

- (a) In all zones, gross floor area shall not include ...
- ...
- (d) In the MU-3, MU-4, MU-7, ~~MU-17, MU-24, MU-25, MU-26, MU-27, NC-1, NC-2, NC-3, NC-4, NC-6, NC-7, NC-8, NC-9, NC-12, NC-14, NC-15, NC-16, RC-2~~, ARTS-1, ARTS-3, PDR-1, PDR-4, ~~PDR-5~~ PDR-1/CAP, ~~PDR-6~~ PDR-1/FT, and ~~PDR-7~~ PDR-4/FT zones, gross floor area shall include ...

Subsections §§ 903.1 and 903.2 of § 903, LOCATION RESTRICTIONS, of Chapter 9, LOADING, of Subtitle C, GENERAL RULES, are proposed to be amended by revising, to read as follows:

903.1 Except as provided in this section, all loading berths and service/delivery spaces shall be located as follows:

- (a) Within the building or structure the berths ...
- ...
- (c) Within a court or side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to an R, RF, RA, or ~~NC~~ NMU zone, the loading berths and service/delivery loading spaces shall be at least six feet (6 ft.) from any side lot line.

903.2 Loading facilities in PDR zones are not subject to the requirements of Subtitle C § 903.1. However, loading facilities:

- (a) Located in a side yard on a lot that is within or adjacent to an R, RF, RA, or ~~NC~~ NMU zone shall be at least six feet (6 ft.) from any side lot line; and
- (b) May be located within ...

Subparagraph (3) of § 1001.2(b) of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:

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

- (b) A “Voluntary Inclusionary Development” – any single household dwelling, row dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:
 - (1) Is proposing new gross floor area beyond that existing ...
 - (3) Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the individual zones in the R-2, R-3, ~~R-10, R-13, R-17, R-20~~, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9 and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.

Subsection 1004.1 of § 1004, PURCHASE AND TENANCY REGULATIONS, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1004.1 Except as provided for in Subtitle C § 1004.2, all inclusionary units created pursuant to this chapter shall be leased or sold only to eligible households for so long as the inclusionary ~~residential~~ development exists.

Paragraphs (a) and (b) of § 1303.1 of § 1303, GROUND MOUNTED ANTENNAS, of Chapter 13 ANTENNAS, of Subtitle C, GENERAL RULES, are proposed to be amended to read as follows:

- 1303.1 All ground mounted antennas, except those regulated by Subtitle C § 1306 or exempted by Subtitle C § 1307, shall comply with the following conditions:
- (a) In any R, RA, MU-1, MU-2, MU-10 through MU-14, ~~MU-16, MU-17, MU-23, MU-24, and MU-36~~ zone, only one (1) antenna may be located per lot and may not exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground on which it is located;
 - (b) In any R, RA, ~~NC NMU~~, D, PDR, and the MU-3 through MU-9, ~~MU-18 through MU-22, MU-25 through MU-35~~ zones, and any zone of Subtitle K, an antenna may not exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground on which it is located;
- ...

Section 1309, ANTENNA TOWERS AND MONOPOLES IN THE PDR-4 AND PDR-7 ZONES (BY-RIGHT), of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended by revising the title and § 1309.1 to read as follows:

1309 ANTENNA TOWERS AND MONOPOLES IN THE PDR-4 AND PDR-7 ZONES (BY-RIGHT)

1309.1 An antenna tower or monopole, either alone or in conjunction with a studio or in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment, shall be permitted in the PDR-4 ~~and PDR-7~~ zones as a matter of right; provided that the antenna tower or monopole complies with the conditions set forth in this section.

Subsection 1313.4 of § 1313, ANTENNA TOWERS AND MONOPOLES SUBJECT TO BOARD OF ZONING ADJUSTMENT APPROVAL, of Chapter 13, ANTENNAS, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1313.4 An antenna tower may be permitted as a special exception in the following zones ~~of~~:

- (a) ~~MU~~ Mixed-Use (MU) zones, except MU-3;
- (b) Downtown (D) zones;
- (c) Those zones listed in Subtitle K; and
- (d) PDR Production Distribution and Repair (PDR) zones, except PDR-4 ~~and PDR-7 zones~~, where antenna towers are permitted as a matter-of-right.

Paragraphs (c) and (d) of § 1401.3 of § 1401, GENERAL PROVISIONS, of Chapter 14, RETAINING WALLS, of Subtitle C, GENERAL RULES, are proposed to be amended to read as follows:

1401.3 A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C §§ 1401.5 and 1401.6:

- (a) Along a street frontage or property line;
- ...
- (c) In the R-1A, and R-1B, ~~R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, and R-21~~ zones, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and
- (d) In the R-2, R-3, ~~R-10, R-13, R-17, R-20~~, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

Subsection 1700.3 of § 1700, INTRODUCTION, of Chapter 17, PLAZA, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

1700.3 Plaza regulations apply only on lots of ten thousand square feet (10,000 sq. ft.) or more in area in the MU-10, ~~MU-22, MU-29,~~ and CG-4 zones.

IV. Proposed Amendments to Subtitle G, MIXED USE (MU) ZONES

Subsection 908.2⁴ of § 908, SETBACKS AND SCREENING, of Chapter 9, FORT TOTTEN MIXED USE ZONES – MU-28 AND MU-29, of Subtitle G, MIXED USE (MU) ZONES, is proposed to be amended, to read as follows:

908.2 If the lot line of the lot being developed coincides with the lot line of a property in a residential zone as defined in Subtitle A § 101.9, or is separated only by a street or alley from a property in a residential zone, where the property is not owned by a business or industrial user, and the property is not being used for residential purposes, the following standards shall apply:

(a) A setback of twenty-five (25 ft.) shall be provided on the portion of the lot adjacent to the residential zone; provided, that the following requirements are met:

(1) Where there is a street or an alley between the residential lot and the lot subject to the ~~MU-28~~ MU-7/FT, ~~PDR-6~~ PDR-1/FT, or ~~PDR-7~~ PDR-4/FT zones, the required setback shall be fifteen feet (15 ft.) measured from the lot line;

...

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

Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be deleted in their entirety.

~~100~~ ~~GENERAL PROVISIONS~~

~~100.1~~ ~~The Production, Distribution, and Repair (PDR) zones provide for the following:~~

~~(a) Heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive zones; and~~

~~(b) Areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of~~

⁴ Subtitle G § 908.2 is proposed to be revised and renumbered as Subtitle G § 705.2, with the MU-28 and MU-29 zones renamed as the MU-7/FT and MU-10/FT zones, respectively, in the text amendments pending before the Commission in Z.C. Case Nos. 19-27 and 19-27A. Any future text revisions adopted by the Commission in that case will be reflected in this text amendment.

~~non-industrial uses that impede the full utilization of properly located industrial sites.~~

~~100.2 The provisions of the PDR zones are intended to:~~

- ~~(a) Regulate the use of land and structures and the erection and modification of structures in areas characterized by PDR uses, typically with heavy truck traffic and loading and unloading operations;~~
- ~~(b) Encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities;~~
- ~~(c) Allow compatible office and retail uses and development;~~
- ~~(d) Minimize encroachment by uses that are incompatible with PDR uses, including residential uses, which could impair existing PDR activities;~~
- ~~(e) Manage transitions between PDR-zoned areas and surrounding neighborhoods; and~~
- ~~(f) Ensure the environmental performance of development.~~

~~101 DEVELOPMENT STANDARDS~~

~~101.1 The bulk of structures in the PDR zones shall be controlled through the combined zone specific development standards of this subtitle and the requirements and standards of Subtitle C.~~

~~101.2 The development standards are intended to:~~

- ~~(a) Control the bulk or volume of structures, including height, floor area ratio (FAR), and lot occupancy;~~
- ~~(b) Control the location of building bulk in relation to adjacent lots and streets by regulating rear yards, side yards, and the relationship of buildings to street lot lines;~~
- ~~(c) Regulate the mix of uses;~~
- ~~(d) Manage transitions between PDR-zoned areas and surrounding neighborhoods; and~~
- ~~(e) Ensure the environmental performance of development.~~

~~101.3 Development standards may be varied or waived by the Board of Zoning Adjustment as a variance or, when permitted in this title, as a special exception. Additional zone specific special exception criteria, if applicable, shall be considered and are found at Subtitle J, Chapter 4.~~

~~101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.~~

~~102 USE PERMISSIONS~~

~~102.1 Use permissions for the PDR zones are as specified in Subtitle U, Chapter 8.~~

~~102.2 Uses in the PDR zones are subject to the standards of external effects as specified in Subtitle U, Chapter 8.~~

~~103 PARKING~~

~~103.1 Parking and bicycle parking requirements for the PDR zones are as specified in Subtitle C, Chapters 7 and 8.~~

~~104~~ ~~LOADING~~

~~104.1 Loading requirements for the PDR zones are as specified in Subtitle C, Chapter 9.~~

~~105 PUBLIC EDUCATION BUILDINGS AND STRUCTURES, PUBLIC RECREATION AND COMMUNITY CENTERS, OR PUBLIC LIBRARIES~~

~~105.1 Public education buildings and structures, public recreation and community centers, or public libraries in the PDR zones shall be permitted subject to the conditions of Subtitle C, Chapter 16.~~

~~105.2 Development standards not otherwise addressed by Subtitle C, Chapter 16 shall be those development standards for the zone in which the building or structure is proposed.~~

~~106 PENTHOUSES~~

~~106.1 Penthouses shall be subject to the regulations of Subtitle C, Chapter 15 and the height and story limitations specified in each zone of this subtitle.~~

A new Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

100.1 Subtitle J is to be read and applied in addition to the regulations included in:

- (a) Subtitle A, Authority and Applicability;
- (b) Subtitle B, Definitions, Rules of Measurement, and Use Categories;
- (c) Subtitle C, General Rules; and
- (d) Subtitle U, Use Permissions.

100.2 For those zones with a geographic identifier, the zone boundaries are described in Subtitle W, Specific Zone Boundaries, and identified on the official Zoning Map.

101 PURPOSE AND INTENT

101.1 The Production, Distribution, and Repair (PDR) zones provide for the following:

- (a) Heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive zones; and

- (b) Areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of non-industrial uses that impede the full utilization of properly located industrial sites.

101.2 The provisions of the PDR zones are intended to:

- (a) Regulate the use of land and structures and the erection and modification of structures in areas characterized by PDR uses, typically with heavy truck traffic and loading and unloading operations;
- (b) Encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities;
- (c) Allow compatible office and retail uses and development;
- (d) Minimize encroachment by uses that are incompatible with PDR uses, including residential uses, which could impair existing PDR activities;
- (e) Manage transitions between PDR-zoned areas and surrounding neighborhoods; and
- (f) Ensure the environmental performance of development.

101.3 The PDR-1 zone is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.

101.4 The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.

101.5 The PDR-3 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.

101.6 The PDR-4 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones and minimize non-industrial uses.

The title of Chapter 2, DEVELOPMENT STANDARDS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended to read as follows:

**CHAPTER 2 DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION,
AND REPAIR (PDR) ZONES**

Section 200, PURPOSE AND INTENT, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, is proposed to be deleted in its entirety.

~~200 ————— PURPOSE AND INTENT~~

~~200.1 ————— The PDR-1 zone is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.~~

~~200.2 ————— The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.~~

~~200.3 ————— The PDR-3 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.~~

~~200.4 ————— The PDR-4 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones and minimize non-industrial uses.~~

~~200.5 ————— The PDR-5 zone is intended to:~~

- ~~(a) — Permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones;~~
- ~~(b) — Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;~~
- ~~(c) — Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;~~

- (e) ~~Provide particular controls adjacent to properties having a well-recognized general public interest; and~~
- (f) ~~Restrict some of the permitted uses to reduce the possibility of harming the site, building, or zone to be protected.~~

~~200.6 The PDR-6 and PDR-7 zones apply to the area that is immediately north and south of Fort Circle Park, also known as Fort Drive Park.~~

~~200.7 The PDR-6 and PDR-7 zones are intended to:~~

- (a) ~~Encourage a scale of development and a mixture of building and land uses consistent with the Comprehensive Plan that enables existing industries that provide jobs, tax revenues, and critical support functions for development of the District of Columbia to remain in the District; and~~
- (b) ~~Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards provided in these zones.~~

~~200.8 The PDR-6 zone is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive zones.~~

~~200.9 The PDR-7 zone is intended to:~~

- (a) ~~Permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery, under controls that minimize any adverse impacts on adjacent, more restrictive zones and minimize non-industrial uses; and~~
- (b) ~~Ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed.~~

Section 201, DEVELOPMENT STANDARDS, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as Section 200 and amended, to read as follows:

~~201~~ 200 DEVELOPMENT STANDARDS

~~201.1~~ 200.1 The development standards of ~~Subtitle J §§ 202 through 210~~ this chapter shall ~~control the height and bulk of structure in the~~ apply to all PDR zones, ~~except as modified by a specific zone, in which case the modified zone-specific standard shall apply. When only a portion of a development standard is modified the remaining portions of the development standard shall still apply.~~

200.2 The development standards regulate the bulk of buildings and other structures and the spaces around them, including the following:

(a) Height and number of stories;

(b) Density and lot occupancy;

(c) Yards and setbacks; and

(d) Environmental performance.

200.3 **If authorized in this chapter, the Board of Zoning Adjustment may grant relief from the standards of this chapter (Development Standards), pursuant to the provisions of Subtitle X, Chapter 9, and the specific conditions provided for the special exception relief in this chapter. Any other relief not authorized as a special exception shall only be available as a variance pursuant to Subtitle X, Chapter 10. Additional zone-specific special exception criteria, if applicable, are referenced in this subtitle and shall be considered by the Board.**

Section 202, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as Section 201 and amended, to read as follows:

202.201 **DENSITY – FLOOR AREA RATIO (FAR)**

202.1 201.1 **The Except as provided elsewhere in this title, the maximum permitted FAR in the PDR zones floor area ratio (FAR) shall be as set forth in the following table:**

TABLE J § ~~202.1~~ 201.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR <u>for Restricted Uses</u>	Maximum FAR <u>for Subtitle J § 201.2 Permitted Uses</u>
PDR-1	2.0	3.5
PDR-2	3.0	4.5
PDR-3	4.0	6.0
PDR-4	1.0	6.0
PDR-5	1.8	3.5
PDR-6	2.0	3.5
PDR-7	1.0	6.0

202.2 201.2 The following use categories may achieve the maximum FAR as indicated in Table J § ~~202.1~~ 201.1:

(a) Agriculture ...

...

~~202.3~~ 201.3 All other permitted, conditional, or special exception use categories are subject to the maximum FAR indicated in the ~~restricted uses row in the development standards table~~ Restricted Uses column in Table J § 201.1.

A new Section 202, is proposed to be added to Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

202 [RESERVED]

Section 203, HEIGHT, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended by revising § 203.1, adding a new § 203.2, and deleting §§ 203.2 , to read as follows:

203 HEIGHT

203.1 ~~The~~ Except as provided elsewhere in this title, the maximum permitted height of building buildings or structures, not including the penthouse or rooftop structure, shall be as set forth in this section. the following table:

203.2 ~~The maximum permitted height of buildings or structures shall be as set forth in the following table:~~

TABLE J § ~~203.1~~ 203.2: MAXIMUM PERMITTED BUILDING HEIGHT

Zone	Maximum Height Not Including Penthouse (Feet ft.)
PDR-1	50
PDR-2	60
PDR-3	90
PDR-4	90
PDR-5	40
PDR-6	65
PDR-7	65

~~203.2~~ ~~In the PDR 5 zone, the maximum permitted number of stories within the building shall be three (3).~~

~~203.3~~ ~~A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.~~

~~203.4~~ ~~An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or~~

structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the zone in which it is located.

~~203.5 In the PDR-6 and PDR-7 zone, any building proposed to exceed sixty-five feet (65 ft.) in height, not including the penthouse, shall be approved by the Board of Zoning Adjustment pursuant to the special exception criteria of Subtitle X, Chapter 9. The applicant for a special exception under this subsection shall demonstrate that the building will not degrade or obstruct views and vistas from the historic fortification of Fort Totten.~~

~~203.6 The maximum permitted height of a penthouse shall be as set forth in the following table:~~

~~TABLE J § 203.6: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES~~

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
PDR-5	10 ft.	1
PDR-1 PDR-6	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
PDR-2	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
PDR-3 PDR-4 PDR-7	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

Subsection 204.1 of § 204, TRANSITION HEIGHT REQUIREMENTS, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

204.1 Development on a lot that directly abuts a ~~residentially-zoned~~ property in a residential zone as defined by Subtitle A § 101.9 with a lower height limit, shall not project above a plane drawn at a ~~one-to-one (1:1)~~ forty-five degree (45°) angle subject to the following:

- (a) The plane shall be measured ...

Section 205, REAR YARD, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 207

A new § 205 is proposed to be added to Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

205 PENTHOUSES AND ROOFTOP STRUCTURES

205.1 Except as provided elsewhere in this title, the maximum permitted height of a penthouse shall be as set forth in the following table:

TABLE J § 205.1: MAXIMUM PENTHOUSE HEIGHT AND STORIES

<u>Zone</u>	<u>Maximum Penthouse and Rooftop Structure Height (ft.)</u>	<u>Maximum Penthouse and Rooftop Structure Stories</u>
<u>PDR-1</u>	<u>12 ft. except 15 ft. for penthouse mechanical space</u>	<u>1;</u> <u>Second story permitted for penthouse mechanical space</u>
<u>PDR-2</u>	<u>12 ft. except 18 ft. 6 in. for penthouse mechanical space</u>	<u>1;</u> <u>Second story permitted for penthouse mechanical space</u>
<u>PDR-3</u> <u>PDR-4</u>	<u>20 ft.</u>	<u>1 plus mezzanine;</u> <u>Second story permitted for penthouse mechanical space</u>

Section 206, SIDE YARD, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 208

A new § 206 is proposed to be added of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

206 [RESERVED]

Section 207, TRANSITION SETBACK REGULATIONS, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 210

Section 205, REAR YARD, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as Section 207 and amended, to read as follows:

205 207 REAR YARD

~~205.1~~ 207.1 ~~A rear yard shall be provided for each structure located in a PDR zone. Except as provided elsewhere in this title, the minimum required rear yard shall be as set forth in this section.~~

~~205.2~~ 207.2 The minimum depth of the rear yard shall be ...

~~205.3~~ 207.3 Where the rear lot line of a lot abuts or is separated only by an alley from a residential zone or residential use of a property, a rear yard shall be provided from the ground up, subject to the ~~transitional~~ transition setback requirements of Subtitle J § ~~207~~ 210.

~~205.4~~ 207.4 Except as required in Subtitle J § ~~205.3~~ 207.3, the rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure.

~~205.5~~ 207.5 For that portion of the structure above the horizontal plane ...

~~205.6~~ 207.6 In the case of a through lot or a corner lot abutting three (3) or more streets...

~~205.7~~ 207.7 A required rear yard may be within a required ~~transitional~~ transition setback ...

Section 208, GREEN AREA RATIO (GAR), of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 211

Section 206, SIDE YARD, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as Section 208 and amended to read as follows:

~~206~~ 208 **SIDE YARD**

~~206.1~~ 208.1 ~~No~~ Except as provided elsewhere in this title, no side yard shall be required ~~on a lot in a PDR zone, except where a side lot line of the lot abuts a residential zone or lot developed with a residential use. Where a side lot line abuts a residential zone, the transitional setback requirements shall be provided pursuant to Subtitle J § 207.~~

~~206.2~~ ~~A required side yard may be within a required transitional setback provided all transitional setback conditions are met.~~

Section 209, COURT, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be amended, to read as follows:

209.1 ~~A court is not required, but if provided, it~~ Courts are not required; however, where a court is provided, the court shall have the following minimum dimensions:

TABLE J § 209.1: MINIMUM COURT DIMENSIONS

Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
2.5 in./ft. of height of court; 6 ft. minimum	2.5 in./ft. of height of court; 12 ft. minimum	Twice the square of the required width of court dimension; 250 sq. ft. minimum

Section 210, SPECIAL EXCEPTION, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 212

Section 207, TRANSITION SETBACK REGULATIONS, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 210 and amended to read as follows:

~~207~~ 210 TRANSITION SETBACK REGULATIONS

~~207.1~~ 210.1 ~~Transitional~~ Transition setback regulations apply along any and all lot lines of a lot ~~in a PDR zone~~ when the lot or portion of the lot directly abuts a residential zone, a lot developed with a residential use, or an alley that abuts a residential zone, unless the PDR-zoned lot is only used for residential purposes.

~~207.2~~ 210.2 The following required setbacks shall be provided on a lot ~~in a PDR zone~~ subject to the following ...

~~207.3~~ 210.3 Any setback required by this section shall be located ...

~~207.4~~ 210.4 Any setback area required by this section shall not be used ...

~~207.5~~ 210.5 Any setback area required by this section shall be landscaped ...

~~207.6~~ 210.6 A form of screening shall be erected between the residential and PDR lots, and shall be located along the required setback identified in Subtitle J § ~~207.2(a)~~ 210.2(a). The screening shall be ...

~~207.7~~ 210.7 A ~~transitional~~ transition setback may be inclusive of a required ~~side or~~ rear yard provided all conditions of each section are met.

Section 208, GREEN AREA RATIO (GAR), of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 211 and amended to read as follows:

~~208~~ 211 GREEN AREA RATIO (GAR)

~~208.1~~ 211.1 A lot ~~in any PDR zone~~ shall have a Green Area Ratio (GAR) of at least ...

~~208.2~~ 211.2 For lots that have more than one (1) building, the GAR requirement shall be ...

Section 210, SPECIAL EXCEPTION, of Chapter 2, DEVELOPMENT STANDARDS FOR PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered to Section 212 and amended to read as follows:

~~210~~ 212 SPECIAL EXCEPTION

~~210.1~~ 212.1 Except for the ~~PDR-5~~ PDR-1/CAP zone, ~~exceptions to relief from~~ the development standards of this chapter, ~~except for Green Area Ratio other than floor area ratio or height~~, shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.

~~210.2~~ ~~For property in the PDR-5 zone, exceptions to the development standards of this chapter, except for GAR, shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and the provisions of Subtitle J, Chapter 4.~~

212.2 Unless otherwise permitted, requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

Chapter 3, ALLEY LOT REGULATIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be renumbered as CHAPTER 5

A new Chapter 3, CAPITOL INTEREST PRODUCTION, DISTRIBUTION AND REPAIR ZONE – PDR-1/CAP, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be added to read as follows:

**CHAPTER 3 CAPITOL INTEREST PRODUCTION, DISTRIBUTION AND REPAIR
ZONE – PDR-1/CAP**

300 PURPOSE AND INTENT

300.1 The development standards in Subtitle J, Chapter 2 shall apply to the PDR-1/CAP zone except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

300.2 In addition to the purposes of the PDR-1 zone, the purposes of the Capitol Interest Production Distribution and Repair (PDR-1/CAP) zone is to:

- (a) Promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act;**
- (b) Reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol;**
- (c) Provide particular controls adjacent to properties having a well-recognized general public interest; and**
- (d) Restrict some of the permitted uses to reduce the possibility of harming the site, building, or zone to be protected.**

301 DENSITY

301.1 The maximum permitted floor area ratio (FAR) of buildings or structures in the PDR-1/CAP zone shall be as set forth in the following table:

TABLE J § 301.1: MAXIMUM PERMITTED FLOOR AREA RATIO

<u>Zone</u>	<u>Maximum FAR for Restricted Uses</u>	<u>Maximum FAR for Subtitle J § 301.2 Permitted Uses</u>
<u>PDR-1/CAP</u>	<u>1.8</u>	<u>3.5</u>

301.2 The following use categories may achieve the maximum FAR as indicated in Table J § 301.1:

- (a) Agriculture, large**
- (b) Animal care and boarding and animal shelter**
- (c) Arts, design, and creation**
- (d) Basic utilities;**
- (e) Large-scale government;**
- (f) Production, distribution and repair; and**
- (g) Waste-related services.**

301.3 All other permitted, conditional, or special exception use categories are subject to the maximum FAR indicated in the restricted uses column in Table J § 301.1.

302 HEIGHT

302.1 The maximum permitted height of buildings or structures, not including the penthouse, in the PDR-1/CAP zone shall be forty feet (40 ft.) and three (3) stories.

302.2 The height of buildings or structures as specified in Subtitle J § 302.1 may be exceeded in the following instances:

- (a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle J § 302.1; and**
- (b) The maximum permitted height of a penthouse shall be one story and no more than ten feet (10 ft.) in height above the roof upon which it is located.**

303 SPECIAL EXCEPTION CRITERIA FOR CAPITOL INTEREST PRODUCTION, DISTRIBUTION AND REPAIR ZONE (CAP)

303.1 For property in the PDR-1/CAP zone, exceptions to the development standards of this chapter, except for floor area ratio or height, shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and the provisions of this section Subtitle J, Chapter 4.

303.2 In the PDR-1/CAP zone, any special exception application shall be subject to the following additional conditions in addition to any conditions relative to the specific special exception:

(a) Compatible with the present and proposed development of the neighborhood;

(b) Consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and

(c) In accordance with the plan promulgated under the Act.

303.3 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the Historic Preservation Office.

303.4 Upon receipt of the application, the Board of Zoning Adjustment shall submit the application to the Architect of the Capitol for review and report.

303.5 The Board of Zoning Adjustment may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

Chapter 4, SPECIAL EXCEPTIONS, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed to be deleted in its entirety

CHAPTER 4 SPECIAL EXCEPTION

400 GENERAL PROVISIONS

~~400.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.~~

~~400.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.~~

A new Chapter 4 is proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

CHAPTER 4 FORT TOTTEN PRODUCTION DISTRIBUTION AND REPAIR ZONES – PDR-1/FT AND PDR-4/FT

400 PURPOSE AND INTENT

400.1 The development standards in Subtitle J, Chapter 2 shall apply to the PDR-1/FT and PDR-4/FT zones except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this subtitle, the provisions of this chapter shall control.

400.2 In addition to the purposes of the PDR zones, the purposes of the Fort Totten PDR zones (PDR-1/FT and PDR-4/FT) are to:

(a) Encourage future development while enabling existing industries to remain in the District; and

(b) Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of the buffering standards.

401 HEIGHT

401.1 The maximum permitted height of buildings, not including the penthouse, in the PDR zones shall be as set forth in the following table:

TABLE J § 402.1: MAXIMUM BUILDING HEIGHT

<u>Zone</u>	<u>Maximum Height (ft.) Matter-of-Right</u>	<u>Maximum Height (ft.) Special Exception</u>
<u>PDR-1/FT</u>	<u>40</u>	<u>N/A</u>
<u>PDR-4/FT</u>	<u>65</u>	<u>90</u>

401.2 In the PDR-4/FT zone, any building proposed to exceed sixty-five feet (65 ft.) in height, not including the penthouse, shall be approved by the Board of Zoning Adjustment pursuant to the special exception criteria of Subtitle X,

Chapter 9. The applicant for a special exception under this subsection shall demonstrate that the building will not degrade or obstruct views and vistas from the historic fortification of Fort Totten.

Chapter 3, ALLEY LOT REGULATIONS (PDR), of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is proposed is proposed to be renumbered as CHAPTER 5 and amended to read as follows:

CHAPTER 3 5 ALLEY LOT REGULATIONS (PDR)

~~300.1~~ 500.1 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

502 SPECIAL EXCEPTION CRITERIA FOR ALLEY LOTS

502.1 **Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.**

502.2 **Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.**

Chapters 6 through 48 are proposed to be added to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, to read as follows:

CHAPTER 6 THROUGH CHAPTER 48 [RESERVED]

VI. Proposed Amendments to Subtitle U, USE PERMISSIONS

Subsection 200.2 of § 200, GENERAL USE PROVISIONS (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

200.2 Use groups for the R zones are as follows:

TABLE U § 200.2 R-USE GROUPS

R-Use Group A	R-Use Group B	R-Use Group C	R-Use Group D
R-1A, R-1B R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-19, R-21	R-2 R-10	R-3 R-13, R-17, R-20	R-16 <u>R-1B/SSH</u>

Subsection § 203.1 of § 203, SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read, including paragraphs (e) and (k) as follows:

203.1 The following uses shall be permitted ~~as a special exception~~ in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the applicable conditions ~~of for~~ each section use:

- (a) Accessory apartment ...
- ...
- (e) Community-based institutional facilities subject to the following conditions:
 - (1) The use shall house no more than fifteen ...;
 - (2) In the R-2, and R-3, ~~R-10, R-13, and R-17~~ zones there shall be no other lot containing a community-based institutional facility use in the same square or within a radius of five-hundred feet (500 ft.) from any portion of the lot; and
 - (3) In all other R-Use Groups A, B, and C ...
 - ...
- (k) Parking as a principal use, or accessory parking elsewhere than on the same lot as the principal use, subject to the following conditions:
 - (1) Parking garages shall not be permitted ...
 - ...
 - (7) Parking as a principal use shall be subject to the following conditions:

- (A) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing MU, ~~NC NMU~~, D, or PDR zone;
- (B) The lot shall be contiguous to or separated only by an alley from a MU, ~~NC NMU~~, D, or PDR zone; and
- (C) A majority of the parking spaces shall ...

...

- (10) In the ~~R-19 and R-20~~ R-1B/GT and R-3/GT zones, no commercial parking lots shall be permitted; and
- (11) The application shall be referred to ...

...

Paragraph (b) of § 204.1 of § 204, MATTER-OF-RIGHT USES – R-USE GROUP D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

204.1 The following uses shall be permitted in the R-Use Group D zone:

- (a) Any use permitted as a matter of right ...
- (b) An existing non-residential use with a valid certificate of occupancy shall be considered a conforming use and may expand by not more than ten percent (10%) of its gross floor area as a matter of right under the provisions of the ~~R-16~~ R-1B/SSH zone; provided, that the following requirements are met ...

Subsections 252.2 and 252.5 of § 252, REUSE OF FORMER PUBLIC SCHOOLS (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:

252.2 In the ~~R-16~~ R-1B/SSH zones, the non-residential uses in a former school building shall be limited to ten percent (10%) of the gross floor area of the school as a matter of right.

...

252.5 The following uses shall be permitted ~~as a special exception~~ within a former school building if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9:

- (a) A use permitted by Subtitle U § 252.3 ...
- ...
- (c) In the ~~R-16~~ R-1B/SSH zone, any nonresidential use in excess of ten percent (10%).

Section § 253, ACCESSORY APARTMENT (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, is are proposed to be amended, to read as follows:

- 253.1 One (1) accessory apartment may be established ...
- 253.2 An accessory apartment shall be permitted in a principal dwelling or an accessory building as a matter of right in the R zones, except the ~~R-19 or R-20~~ R-1B/GT or R-3/GT zones, subject to the provisions of this section.
- 253.3 An accessory apartment proposed in an accessory building ...
- 253.4 In the ~~R-19 or R-20~~ R-1B/GT or R-3/GT zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.
- 253.5 Either the principal dwelling or accessory apartment unit ...
- 253.6 The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the ~~R-19 or R-20~~ R-1B/GT or R-3/GT zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).
- 253.7 An accessory apartment located in the principal dwelling shall be subject to the following conditions:
 - (a) The house shall have a minimum of gross floor area, exclusive of garage space in the following zones:

TABLE U § 253.7(a): MINIMUM GROSS FLOOR AREA

Zones	Minimum GFA
R-1-A ₂ , R-1B, R-19	2,000 sq. ft.
R-2, R-3, R-10, R-13, R-17, R-20	1,200 sq. ft.

...

(d) An additional entrance to a house in ~~an~~ the R-3, ~~R-13, R-17, or R-20~~ zone may be located on a wall of the house that faces a street provided it is below the main level of the house and if in a historic district, a determination by the appropriate body that the additional door is compatible with the character of the historic district.

253.8 An accessory apartment in an accessory building in an R zone, except the ~~R-19 and R-20~~ R-1B/GT or R-3/GT zone, shall be permitted as a matter of right subject to the following conditions:

253.9 An accessory apartment proposed in the ~~R-19 and R-20~~ R-1B/GT or R-3/GT zones zone shall be subject to the restrictions of Subtitle U §§ 253.5 through 253.8 and the following . . .

253.10 Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:

- (a) The owner-occupancy requirement of Subtitle U § 253.5 . . .
- (b) Subtitle U § 253.6 shall not be modified or waived in the ~~R-19 or R-20~~ R-1B/GT or R-3/GT zone; and
- (c) Any modification(s) approved shall not . . .

253.11 In addition to Subtitle U § 253.10, the Board of Zoning Adjustment may approve ~~as a special exception~~ the inclusion of a balcony or projecting windows for the accessory apartment as a special exception subject to Subtitle X, Chapter 9.

253.12 Any request to modify . . .

253.13 Prior to renting an accessory apartment . . .

Subsections 254.1, 254.6, 154.7, and 254. 15 of § 254, CORNER STORES, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:

254.1 A corner store shall only be permitted in the R-3, ~~R-13, R-17, R-20,~~ and RF-1, ~~RF-2, and RF-3~~ zones.

...

254.6 A corner store shall only be located as follows:

- (a) On a lot that is at the intersection of
...
- (d) In the R-3, ~~R-13, or R-17 zones~~ zone, on an interior or through lot with a building that was built prior to May 12, 1958 for the purpose of a nonresidential use, as established by a certificate of occupancy, permit records or other historical documents accepted by the Zoning Administrator;
- (e) In the R-3, ~~R-13, or R-17 zones~~ zone, no nearer than five hundred feet (500 ft.) to a property line of a lot in a MU or ~~NC~~ NMU zone;
- (f) In the ~~R-20~~ R-3/GT zone, on an interior or through lot with a building that was built prior to May 12, 1958, for the purpose of a nonresidential use, and only if the building was used for a corner store use within the previous three (3) years established by a certificate of occupancy, permit records, or other historical documents accepted by the Zoning Administrator; and
- (g) In the ~~R-20~~ R-3/GT zone, no nearer than seven hundred and fifty feet (750 ft.) to a property line of a lot in a MU or ~~NC~~ NMU zone.

254.7 A corner store shall not be permitted:

- (a) On an alley lot ...
...
- (e) In the ~~R-20~~ R-3/GT zone, on an interior or through lot that has not been used for corner store uses for three (3) or more consecutive years shall not be deemed eligible for a corner store use.

...

254.15 The Board of Zoning Adjustment may waive the location restrictions of Subtitle U §§ 254.6(b) and (c) provided the applicant adequately demonstrates that the proposed corner store use will:

- (a) Be neighborhood ...
- (b) Not negatively impact the economic viability or vitality of an area zoned MU or ~~NC~~ NMU that is closer than seven hundred and fifty feet (750 ft.) to an ~~R-20~~ R-3/GT zone or five hundred feet (500 ft.) to any other R zone;`
- (c) Not create a concentration ...

...

Section 301⁵, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any use permitted in the R zones ...
- (b) Residential uses with a maximum number of principal dwelling units per lot as follows:

TABLE U § 301.1(b) MAXIMUM NUMBER OF PRINCIPAL DWELLING UNITS

RF Zone	Number of Principal Dwelling Units
RF-1	2
RF-2	2
RF-3	2
RF-4	3
RF-5	4

- (c) A permitted principal dwelling unit ...

...

301.2 The conversion of an existing non-residential building or structure to an apartment house shall be permitted as a matter of right in an RF-1, ~~RF-2, or RF-3~~ zone subject to the following ...

301.3 An apartment house in an RF-1, ~~RF-2, or RF-3~~ zone converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, except as provided by Subtitle U § 320.4.

301.4 An apartment house in an RF-1, ~~RF-2, or RF-3~~ zone converted from a residential building either prior to June 26, 2015, or pursuant to Subtitle A §§ 301.9, 301.10, or 301.11, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, except as provided by Subtitle U § 320.2.

⁵ The text shown here reflect the revisions to §§ 301.1(b) and 301.5 adopted on emergency and proposed bases in Z.C. Case No. 20-25. Any future text revisions adopted by the Commission in that case will be reflected in this text amendment.

301.5 An apartment house in an RF-1, ~~RF-2, or RF-3~~ zone that was constructed prior to May 12, 1958, or that was lawfully constructed prior to August 7, 1981, in compliance with the then-applicable zoning regulations, shall be considered a conforming use and may renovate or expand, provided that:

- (a) The apartment house has not been:
 - (1) Converted prior to September 6, 2016;
 - (2) Converted pursuant to Subtitle U §§ 301.2 or 320.2; or
 - (3) Expanded pursuant to Subtitle U §§ 301.4, 320.2, or 320.4;
- (b) An apartment house with less than nine hundred square feet (900 sq. ft.) of lot area per existing dwelling unit does not increase the number of dwelling units; and
- (b) An apartment house with more than nine hundred square feet (900 sq. ft.) of lot area per existing dwelling unit may only add additional dwelling units if the apartment house has a minimum of nine hundred square feet (900 sq. ft.) of lot area for each existing and new dwelling unit.

Section 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is proposed to be amended to read as follows:

320.1 The uses in this section shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

- (a) Any use or structure permitted ...
- ...
- (c) A corner store use in a RF-1, ~~RF-2, or RF-3~~ zone not meeting the matter-of-right conditions of Subtitle U § 254, subject to the special exception conditions of Subtitle U § 254.14;

320.2 The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use under Subtitle U § 301.4 that increases the number of units, shall be permitted ~~as a special exception~~ in an RF-1 zone if

approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following ...

320.3 The conversion of a non-residential building or other structure to an apartment house and not compliant with Subtitle U § 301.2(b), shall be permitted ~~as a special exception~~ in an RF-1 zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following ...

320.4 An existing apartment house deemed a conforming use under Subtitle U § 301.3 ...

Subsection 321.2 of § 321, ADDITIONAL USE RESTRICTIONS AND CONDITIONS, of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

321.2 In the ~~RF-3 zones~~ RF-1/CAP zone, the following uses shall not be permitted as a matter of right or as a special exception:

- (a) Parking lot . . .
- ...

Section 401, MATTER-OF-RIGHT USES (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising paragraph (d) of § 401.1 and § 401.2, to read as follows:

401.1 The following uses shall be permitted as a matter of right subject to any applicable conditions:

- (a) Any use permitted in the RF zones ...
- ...

(d) Except for the RA-1 ~~and RA-6~~ zones:

- (1) Multiple dwellings ...
- ...

401.2 A chancery is a permitted use in RA-4, and RA-5, ~~RA-10, or RA-11~~ zones, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of Subtitle X, Chapter 2 ~~of this title~~.

Paragraphs (g) and (i) of § 420.1 of § 420, SPECIAL EXCEPTION USES (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:

420.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions ~~of~~ for each ~~section~~ use:

(a) Any accessory use permitted under Subtitle U § 320 ...

...

(g) Nonresidential adjunct uses as an accessory use within an apartment house, consisting of the sale of foods, drugs, and sundries and personal services designed to serve the tenants' daily living needs subject to the following conditions:

(1) The adjuncts authorized under this paragraph ...

...

(5) The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest MU, ~~NC~~ NMU, or PDR zone;

...

(7) In considering an application under this paragraph, the Board of Zoning Adjustment shall give consideration to the following:

(A) The proximity of MU and ~~NC~~ NMU zones;

(B) The adequacy and convenience of parking spaces existing in or for the MU and ~~NC~~ NMU zones;

(C) The adequacy and scope of commodities and services provided within those MU and ~~NC~~ NMU zones; and

(D) The size and character of the apartment house...

...

(i) In the RA-1 ~~and RA-6~~ zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1(f), except for subparagraph 203.1(f)(3).

The title of § 421, NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

421 NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6)

Subsection 421.1 of § 421, NEW RESIDENTIAL DEVELOPMENTS (RA-1), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, OF Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

421.1 In the ~~RA-1 and RA-6~~ zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, Chapter 9, in accordance with the standards and requirements in this section.

Subsection 422.2 of § 422, ADDITIONAL USE RESTRICTIONS AND CONDITIONS (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

422.2 In the ~~RA-7 zones~~ RA-2/CAP zone, the following uses shall not be permitted as a matter of right or as a special exception:

- (a) Parking lot ...

...

Subsection 500.2 of § 500 GENERAL USE PROVISIONS (MU), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

500.2 Use groups for the MU zones are as follows:

TABLE U § 500.2 MU-USE GROUPS

MU-Use Group A	MU-Use Group B	MU-Use Group C	MU-Use Group D	MU-Use Group E	MU-Use Group F	MU-Use Group G
MU-1 MU-2 MU-15, MU-16 MU-23	MU-11	MU-12, MU-13 MU-14 CG-5 CG-6 CG-7	MU-3	MU-4, MU-5, MU-6, MU-17, MU-18, MU-19, MU-24, MU-25 MU-26, MU-27, CG-2	MU-7, MU-8 MU-9, MU-20, MU-21, MU-28 CG-3, MU-30 <u>MU-15</u>	MU-10 MU-22 MU-29 CG-4

Subsection 504.1 of § 504 SPECIAL EXCEPTION USES (MU-USE GROUP A), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

- 504.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment **as a special exception** under Subtitle X, Chapter 9, subject to any applicable provisions ~~of for each section use~~:
- (a) Chancery use, subject to disapproval by the Board of Zoning Adjustment in accordance with Subtitle X, **Chapter 2**;
 - (b) College or university use ...
...
 - (j) Retail, service (general), and eating and drinking establishment uses subject to the following conditions:
 - (1) The properties are in the MU-2 ~~or MU-23~~ zone ~~district~~;
 - (2) The properties are those located south of ...
...
 - (k) Utility uses ...

Paragraphs (a), (d), (h) and (k) of § 512.1⁶ of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, are proposed to be amended to read as follows:

- 512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions:
- (a) Uses permitted as a matter of right in any R, RF, and RA ~~zones~~ **zone** ...
...
 - (e) Eating and drinking establishment uses, subject to the following conditions:
 - (1) A fast food establishment or food delivery service shall not be permitted within the MU-4, ~~MU-17, MU-24, MU-25, MU-26, and MU-27~~ **zones zone**;
 - (2) A fast food establishment ...

⁶ The text shown here reflect the revisions to § 512.1 adopted by the Commission in Z.C. Case No. 20-10.

- (3) A prepared food shop in a MU-4, ~~MU-17, MU-24, MU-25, MU-26, and MU-27~~ zone shall be limited to eighteen (18) seats for patrons;
- (f) Education uses ...
...
- (i) Gasoline service station as an accessory use to a parking garage or public storage garage; provided:
 - (1) All portions of the gasoline service station ...
...
 - (4) The use shall not be permitted in the MU-4, ~~MU-17, MU-25, and MU-27 zones~~ zone;
- (j) Optical transmission ...
...
- (l) Service (general) uses subject to the following conditions:
 - (1) A laundry or dry cleaning facility ...
 - (2) In the MU-4, ~~MU-17, MU-25, and MU-27 zones~~ zone, uses involving the installation of automobile accessories shall not be permitted; and
- (m) Other accessory uses customarily incidental and subordinate ...

Subsection 513.1 of § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:⁷

- 513.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the provisions of this section:
- (a) Animal boarding uses not meeting the conditions of Subtitle U § 512.1~~(b)~~ for those uses subject to ...
...

⁷ The text shown here reflect the revisions to § 513.1 adopted by the Commission in Z.C. Case No. 20-10. Section 513.1 is also proposed to be revised in the text amendment pending before the Commission in Z.C. Case No. 20-20. Any future text revisions adopted by the Commission in that case will be reflected in this text amendment.

- (c) Emergency shelter ...
- (d) Fast food establishments or food delivery service eating and drinking establishments in the MU-4, ~~MU-17, MU-25, and MU-27 zones~~ zone, subject to the following ...
- (e) Gasoline service stations ...
- ...

Subsection 514.2 of § 514 PROHIBITED USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

514.2 In the ~~MU-24 and MU-26~~ MU-4/CAP and MU-4/CAP/CHC zones, the following uses are prohibited:

- ~~(b)~~ (a) Automobile or truck sales;
- ~~(h)~~ (b) Installation of automobile accessories;
- (c) Automobile rental agency;
- (d) Boat or other marine sales;
- ~~(a)~~ (e) Car wash;
- ~~(e)~~ (f) Drive-in restaurant;
- ~~(f)~~ (g) Electric substation ...
- ~~(g)~~ (h) Gasoline service station ...
- (i) Motorcycle sales ...
- ...

Subsection 515.1(m) of § 515 MATTER-OF-RIGHT USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

515.1 The following uses shall be permitted in MU-Use Group F as a matter of right, subject to any applicable conditions:

- (a) Uses permitted as a matter of right in any R, RF, and RA zones and ...
- ...
- (m) In the ~~MU-30~~ **MU-15** zone, a gasoline service station provided no portion of the structure or premises shall be located within twenty-five feet (25 ft.) of a R, RF or RA zone unless separated from that R, RF, or RA zone by a street or alley; and . . .

Subsection 516.1 of § 516 SPECIAL EXCEPTION USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

516.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the provisions of this section:

- ~~(h)~~ **(a)** Any use permitted as a matter of right in MU-Use Group F that does not comply with the required conditions of MU-Use Group F may apply for permission as a special exception, except firearms retail sale establishments;
- ~~(a)~~ **(b)** An Electronic Equipment ...
- ~~(b)~~ **(c)** Where not permitted as a matter of right, a gasoline service station ...
- ~~(e)~~ **(d)** Enlargement of an existing laundry or dry cleaning establishment ...
- ~~(d)~~ **(e)** Where not permitted as a matter of right, any establishment that has as a principal use the administration of massages ...
- ~~(e)~~ **(f)** Public utility pumping station ...
- ~~(f)~~ **(g)** Retail, large format, subject to the conditions of Subtitle U § 511.1~~(h)~~ **for that use**; and
- ~~(g)~~ **(h)** Sexually-oriented business establishment in the MU-9, ~~MU-21~~, or ~~MU-30~~ **MU-15 zone zones**, subject to the following conditions:
 - (1) No portion of the establishment shall be located within six hundred feet (600 ft.) of a R, RF, RA, MU-1, MU-2, ~~MU-15, MU-16, or MU-23~~ **MU-1/DC, MU-2/DC or MU-2/CAP** zone;
 - ...

- (7) The establishment shall not have an adverse impact on religious, education, or governmental facilities located in the area; ~~and.~~

Subsection 518.1(a)(4) of § 518 SPECIAL EXCEPTION USES (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended to read as follows:

518.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the provisions of this subsection:

~~(b)~~ (a) An antenna tower or ...

~~(a)~~ (b) Automobile or motorcycle sales or repair subject to the provisions of this section:

- (1) The use shall be located so that it is not objectionable ...

...

- (4) No portion of a building use for vehicle sales or repair shall be used within fifty feet (50 ft.) of a R, RF, RA MU-1, MU-2, ~~MU-15, MU-16, or MU-23~~ MU-1/DC, MU-2/DC or MU-2/CAP zone; and

- (5) The Board of Zoning Adjustment ...

...

Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, USE PERMISSION – PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

802.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the provisions of this section:

(a) Animal sales, care, and boarding uses ...

...

(d) Emergency shelter not meeting the conditions of Subtitle U § 801.1~~(j)~~ for that use, subject to the following conditions:

- (1) There shall be a maximum limit of three hundred (300) ...

...

(4) The use shall not be permitted in the PDR-3, or PDR-4, ~~or PDR-7~~ zones;

...

(g) Repair of automobiles (any devoted use), including body work, in a PDR-1, or PDR-2, ~~or PDR-5, or PDR-6~~ zone within two hundred feet (200 ft) of a residential zone or residential development, subject to the following

...

...

VII. Proposed Amendments to Subtitle W, SPECIFIC ZONE BOUNDARIES

Section 102, CAPITOL INTEREST ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

102.1 The Capitol Interest zones (~~RA-7, RF-3, MU-23, MU-24, MU-26, and PDR-5~~ RA-2/CAP, RF-1/CAP, MU-2/CAP, MU-4/CAP, MU-4/CAP/CHC, and the PDR-1/CAP) are applied to the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act.

Section 103, CHAIN BRIDGE/UNIVERSITY TERRACE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

103.1 The Chain Bridge/University Terrace zone (~~R-21~~ R-1A/CBUT) is applied to properties contained within the boundaries of the ~~R-21~~ R-1A zone that includes Lots 826, 829, 839-843, 845-847, 849-851, and 853-857 in Square 1409; Lots 829 and 830 in Square 1410; Lots 803, 806, 807, 829, 830, 832, 840, and 841 in Square 1411; all of Square 1425; Lots 11, 15-18, 20, 22, 831, 835, 851, 855, 859, 861, 863, 864, 898, 899, 902-905, 912, 914, 931, 937, 938, 940, and 948-958 in Square 1426; and all of Square 1427.

Section 104, CLEVELAND PARK NEIGHBORHOOD MIXED-USE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 104.1 The Cleveland Park Neighborhood Mixed-Use zone (~~NC-3~~ MU-4/CP) is applied to a compact geographic area surrounding the Cleveland Park Metrorail Station and within the Cleveland Park Historic District, comprising those lots zoned ~~NC-3~~ MU-4 in Squares 2218, 2219, 2222, 2068, 2069, and 2082.

Section 105, DUPONT CIRCLE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 105.1 The Dupont Circle zones (~~RF-2, RA-8, RA-9, RA-10, and MU-15 through MU-22~~ RF-1/DC, RA-2/DC, RA-4/DC, RA-5/DC, MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6/DC, MU-8/DC, MU-9/DC and MU-10/DC) include the following Squares: 23, 35, 48, 49, 65, 66, 67, 68, 69, 70, 90, 91, 92, 93, 94, 95, 96, 97, 98, N99, 109, 110, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, N137, 138, 139, 153, S153, 154, 155, 156, 157, 158, 159, 160, 178, 179, 180, 181, S181, 182, N182, 192, 193, 194, 195, S195, 196, and N196. The Dupont Circle zones also include the following lots: Square 176, Lots 43-45, 64-73, 2076-2128; Square 177, Lots 2, 36-40, 87-92, 104, 108, 118-123, 126, 127, 801, 802, 2009-2019, 2020-2025; Square N177, Lots 4-9, 17, 23-25, 26, 27, 87-92, 801-804, 807, 810-811, 2001-2009, 2010-2012, 2013, 2022; Square 190, Lots 22-42, 51-62, 88-99, 101-116, 119-120, 123, 129, 809, 2001-2018, 2019-2028, 2029-2049, 2050-2056; Square 191, Lots 3-6, 8-16, 40-49, 51-59, 63-65, 66-69, 71-76, 79-87, 90-92, 93-95, 96-98, 99, 100, 104, 107-108, 800, 801, 803-804, 812, 814, 816, 817, 2001-2012, 2014-2027, 2028-2031, 2032, 2034-2058, 2059-2067, 2068-2077, Square 206, Lots 17-25, 62-65, 113-122, 128-133, 138-162, 166-176, 177-198, 219, 220, 800-805, 807, 809, 811, 812, 813, 814, 2001-2013; and Square 207, Lots 48-65, 94-95, 810.

Section 106, EIGHTH STREET SOUTHEAST NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 106.1 The Eighth Street Southeast Neighborhood Mixed-Use zone (~~NC-6~~ MU-7/ES) is applied to a compact geographic area along Eighth Street, S.E., near the entrance to the Navy Yard, comprising those properties zoned ~~NC-6~~ MU-7/ES in Squares 906, 907, 929, and 930.

Section 107, FOREST HILLS TREE AND SLOPE PROTECTION ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 107.1 The Forest Hills Tree and Slope Protection zones (~~R-8, R-9, and R-10~~ R-1A/FH, R-1B/FH and R-2/FH) are established to preserve and enhance the park-like

setting of the designated neighborhoods bounded by Connecticut Avenue and 32nd Street on the west, Rock Creek Park on the east, Fort Circle National Park and Nevada Avenue, N.W. on the north, and Melvin C. Hazen Park and adjacent to streams and parks on the south, by regulating alteration or disturbance of terrain, destruction of trees, and the ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park.

- 107.2 The Forest Hills Tree and Slope Protection zones includes all lots zoned ~~R-8, R-9, or R-10~~ **R-1A, R-1B and R-2** in Squares 2030 through 2033, 2040 through 2043, 2046, 2049 (except for Lots 804, 805, and 806), 2231, 2232, 2238, 2239, 2241 through 2251, 2254 through 2256, 2258, 2262 through 2270, 2272, 2274 through 2277, and 2282.

Section 108 FOGGY BOTTOM ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 108.1 The Foggy Bottom zone (~~R-17~~ **R-3/FB**) has the identical boundaries of the Foggy Bottom Historic District and is applied to the area, the boundaries of which begin at the intersection of K and 25th Streets, N.W., and proceed as follows: east along the center line of K Street, turning south along the eastern edge of Lot 19 in Square 28 to the northern edge of the alley; then eastward and southward along the alley to the northern boundary of Lot 92 in Square 28; then eastward to the center line of 24th Street; then south along the center line of 24th Street to New Hampshire Avenue; then southwest along the center line of New Hampshire to H Street; west along the center line of H Street to 25th Street; north along the center line of 25th Street to the southern edge of Lot 42 in Square 17; then west along the lot line to the alley in Square 17; then through the alley and then north along the western line of Lot 848 (encompassing Lots 812 through 820, 28 through 35, 834, 848, and 849) in Square 17 to the center line of I Street; then west along the center line of I Street to the center line of 26th Street; then north on 26th Street to the northern edge of Lot 73 in Square 16; then east along the northern edge of Lot 73 to the easternmost corner of Hughes Mews and then south along the eastern edge of Hughes Mews to the northern edge of Lots 883, 858, and 856; then east along the lots to the center line of 25th Street; then north along the center line of 25th Street to the origination point at the center line of K Street. The ~~R-17~~ **R-3/FB** zone also includes the following: Square 16, excluding Lots 884, 863, 93, 17, 71, and 2009 through 2161 (The Griffin Condominium Apartment Building); Square 17, excluding Lots 2001 through 2051 (The Plaza Condominium Apartment Building); Square 28, excluding Lots 884 and 168; and Square 29 in its entirety.

Section 109, FORT TOTTEN ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

109.1 The Fort Totten zones (~~MU-28, MU-29, PDR-6, and PDR-7~~ MU-7/FT, MU-10/FT, PDR-1/FT, and PDR-4/FT) are applied to the area that is immediately north and south of Fort Circle Park (also known as Fort Drive Park) as follows:

(a) North of Fort Circle Park:

(1) The zone boundaries of the ~~MU-28~~ MU-7/FT zone shall begin at the intersection of First Place and Riggs Road, N.E., and proceed as follows:

(A) West along the center line of Riggs Road to ...

(B) The zone boundaries of the ~~MU-29~~ MU-10/FT zone shall be the boundaries of the existing PDR zone that is immediately north of Fort Circle Park and south of the ~~MU-28~~ MU-7/FT zone; and

(b) South of Fort Circle Park:

(1) The zone boundaries of the ~~PDR-7~~ PDR-4/FT zone shall be the identical boundaries of the existing PDR-4 zone that is immediately south of and contiguous to Fort Circle Park; and

(2) The zone boundaries of the ~~PDR-6~~ PDR-1/FT zone shall be the identical boundaries of the existing PDR-1 zone that is immediately south of and contiguous to Fort Circle Park.

Section 110, GEORGIA AVENUE NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

110.1 The Georgia Avenue Neighborhood Mixed-Use zones (~~NC-7 and NC-8~~) area applies to all properties zoned ~~NC-7 and NC-8~~ MU-4/GA and MU-7/GA along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue, N.W. and Kenyon Street, N.W. to the south side of the intersection of Georgia Avenue, N.W. and Varnum Street, N.W.

Section 112, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 112.1 The H Street Northeast Neighborhood Mixed-Use zones ~~(NC-9 through NC-17)~~ area applies to all lots fronting onto H Street, N.E. from 2nd Street to 15th Street, N.E. and zoned MU-4, MU-5A, MU-6, MU-7, or MU-8, as well as: Square 1026, Lots 65, 66, 100, 101, 102, 103, 173, 177, 835, and 836; lots within Squares 1027 and 1049 fronting onto Maryland Avenue, N.E. or 14th Street, N.E.; Reservations 15P, 15Q, 15R, and 213; and all of Square 1050. The area is divided into three (3) sub-districts affecting the following squares:
- (a) H Street Northeast Housing Sub-district ~~(NC-9, NC-10, NC-11, NC-12, and NC-13)~~ MU-4/HS-H, MU-5A/HS-H, MU-6/HS-H, MU-7/HS-H and MU-8/HS-H encompasses properties fronting on H Street, N.E. in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, N.E.;
 - (b) H Street Northeast Retail Sub-district ~~(NC-16 and NC-17)~~ MU-4/HS-R and MU-5A/HS-R encompasses properties fronting on H Street, N.E. in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, N.E.; and
 - (c) H Street Northeast Arts Sub-district ~~(NC-14 and NC-15)~~ MU4/HS-A and MU-7/HS-A encompasses properties fronting on H Street, N.E. in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, N.E., as well as: Square 1026 lots 65, 66, 100, 101, 102, 103, 173, 177, 835, and 836; lots within Squares 1027 and 1049 fronting onto Maryland Avenue, N.E. or 14th Street, N.E.; Reservations 15P, 15Q, 15R, and 213; and all of Square 1050.

Section 113, MACOMB-WISCONSIN NEIGHBORHOOD MIXED-USE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 113.1 The Macomb-Wisconsin Neighborhood Mixed-Use ~~zones~~ zone ~~(NC-1)~~ MU-3A/MW area applies to the neighborhood commercial area near and extending from the intersection of Macomb Street and Wisconsin Avenue, N.W., comprising those lots zoned ~~NC-1~~ NU-3A/MW in Squares 1920 and 1920N.

Section 114, REED -COOKE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 114.1 The Reed-Cooke zones ~~(RC-1, RC-2, and RC-3)~~ RA-2/RC, MU-4/RC and MU-5A/RC shall be applied to the portions of Squares 150, 2557, 2558, 2560, 2562,

2563, 2566, 2567, and 2572 ~~in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, 10 DCMR § 1127~~, that are zoned non-residentially as of January 1, 1989.

Section 116, SIXTEENTH STREET HEIGHTS ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 116.1 The Sixteenth Street Heights zone apply to all properties zoned ~~R-16~~ **R-1B/SSH**.
- 116.2 The ~~R-16~~ **R-1B/SSH** zone encompasses the geographic area in northwest Washington generally bounded by 16th Street and Rock Creek Park on the west, Military Road and Missouri Avenue on the north, and 14th Street on the east, and Colorado Avenue on the southeast and the geographic area generally bounded by 16th Street on the west, Colorado Avenue on the north, 14th Street on the east, and Decatur Street to the south. This zone is applied to properties zoned R-16 in the following Squares and portions of squares: 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2718, 2719, 2720, 2720W, 2721, 2721W, 2722, 2722W, 2723, 2723W, 2724, 2724W, 2725, 2741, 2742, 2796, and 2799.

Section 118, TAKOMA NEIGHBORHOOD MIXED-USE ZONE, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 118.1 The Takoma Neighborhood Mixed-Use zone (~~NC-2~~ **MU-4/TK**) area applies to Squares 3188 and 3278 in their entirety, and certain lots and portions of lots zoned ~~NC-2~~ **MU-4** on:
- (a) Square 3187 along the frontages of Blair Road and Cedar Street, N.W.;
 - (b) Squares 3275 and 3276 along the frontage of 4th Street, N.W.;
 - (c) Squares 3352, 3353, 3354, 3356, and 3357 along the frontages of Cedar Street and Carroll Street, N.W.; and
 - (d) Square 3280 along the frontages of Blair Road, Butternut Street, and 4th Street, N.W.
- 118.2 The ~~NC-2~~ **MU-4/TK** zone begins at the street right-of-way lines abutting the Squares named in Subtitle W § 118.1; and extends to a depth of one hundred feet (100 ft.).

Section 121, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

121.1 The Wesley Heights Residential House zones (~~R-14 and R-15~~ R-1A/WH and R-1B/WH) shall apply to the area and properties contained in this subsection:

- (a) The area is generally bounded by a line which begins at the intersection of Nebraska and New Mexico Avenues and runs southeast along the center line of New Mexico Avenue, N.W., to the western boundary of Glover Archbold Park. The line then runs south and west along the west boundary of Glover Archbold Park to a point east of the southernmost point of Lot 33 of Square 1341. The line then runs west across 44th Street to the southwest boundary of Lot 33. The line then runs in a northerly direction along the rear lot lines of the properties on the west side of 44th Street, to the southern boundary of Lot 15 of Square 1341, inclusive of Lot 33. (For those lots with narrow frontages on the west side of 44th Street, the ~~R-14 and/or R-15~~ R-1A/WH and/or R-1B/WH) zone boundary line shall cross those narrow lot frontages by connecting the rear lot lines of the adjacent lots across the narrow lot frontage.) The line then runs west along the southern boundary of Lot 15; then runs northwest along the west boundary of Lot 15; then runs in a westerly direction along the right-of-way of the Dexter Court cul-de-sac excluding Lots 19-21, and then runs southwest along the south boundary of Lot 18. The line then runs north along the west boundary of Lot 18 to the southern boundary of Lot 805. The line then runs west along the southern boundaries of Lots 805 and 800; then runs north along the west boundary of Lot 800; then runs west to Foxhall Road along the southern boundary of Lot 804. The line then runs south along the center line of Foxhall Road; then runs west along the northern boundary of Lot 813 of Square 1380; then runs southwest along the rear of Lots 4, 5, and 820 of Square 1380; then runs west to 49th Street along the southern boundaries of Lots 820 to 824, 826, and 6 of Square 1380. The line then runs north along the western boundary of 49th Street right-of-way; continues east along the northern boundary of Cathedral Avenue right-of-way; and turns north along the property line at the rear of the properties on the west side of Foxhall Road (including all of Square 1523 and Lots 28 and 29 of Square 1521). The line then runs east along the northern property line of Lot 28 of Square 1521 to Foxhall Road, and then runs north along the west boundary of the Foxhall Road right-of-way to Nebraska Avenue. The line then runs northeast along the center line of Nebraska Avenue to the point of origin at the intersection of New Mexico and Nebraska Avenues, N.W.; and

- (b) The properties that are contained within the boundaries of the ~~R-14 and R-15~~ R-1A/WH and R-1B/WH zones include all of Squares 1338 to 1340, 1380, 1381, 1406, 1408, 1521, 1523, 1524, 1603 through 1612, 1614, 1615, 1619 through 1622, 1625, 1626, 1700, and 1701; and a portion of Squares 1341, 1397, and 1601 (those portions include Lots 11, 12, 15 to 18, 24, 25, 28 through 34, 36, 37, 800, 804, 805, 807, 810, 814, 819, 821, 824, 825, and 868, and a portion of Lots 35, 857, and 869 in Square 1341; Lots 4 through 6, 814 through 816, 818, 820 through 824, and 826 in Square 1397; and Lots 804 and 805 in Square 1601).

Section 122, WOODLEY PARK NEIGHBORHOOD MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 122.1 The Woodley Park Neighborhood Mixed-Use zones (~~NC-4 and NC-5~~ MU-4/WP and MU-5A/WP) are applied to a compact geographic area surrounding the Woodley Park/Zoo Metrorail station, comprising those lots zoned ~~NC-4~~ MU-4/WP in Squares 2202 and 2203 and those lots zoned ~~NC-5~~ MU-5A/WH in Square 2204.

Section 123, CAPITOL HILL COMMERCIAL MIXED-USE ZONES, of Chapter 1, BOUNDARIES, of Subtitle W, SPECIFIC ZONE BOUNDARIES, is proposed to be amended to read as follows:

- 123.1 The Capitol Hill Commercial Mixed-Use zones (~~MU-25 and MU-26~~ MU-4/CHC and MU-4/CAP/CHC) encompass the geographic area in southeast and northeast Washington generally identified as ...
- 123.2 The Capitol Hill Commercial Mixed-Use zones shall include all of the following lots or squares zoned ~~MU-25 and MU-26~~ MU-4/CHC and MU-4/CAP/CHC:
- (a) Square 755: those lots ...

VIII. Proposed Amendments to Subtitle X, GENERAL PROCEDURES

Subsection 101.5 of § 101, CAMPUS PLANS, of Chapter 1, CAMPUS PLANS AND MEDICAL CAMPUS PLANS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

- 101.5 The following development standards shall apply to the maximum total density of all buildings and structures on the campus in an R, RF, RA, or ~~RC-1~~ RA-2/RC zone:

TABLE X § 101.5: MAXIMUM TOTAL DENSITY OF ALL BUILDINGS AND STRUCTURES

Zone	Maximum Height (Feet)	Maximum Floor Area Ratio
All R and RF zones	50	1.8
RA-1, RA-2, RA-6, RA-7, RA-8, RC-1	50	1.8
RA-3, RA-4, RA-5, RA-9, RA-10	90	3.5

Subsection 102.1 of § 102, SPECIAL EXCEPTION FOR USE OF COMMERCIAL PROPERTY BY A COLLEGE OR UNIVERSITY, of Chapter 1, CAMPUS PLANS AND MEDICAL CAMPUS PLANS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

102.1 A university or college may use a property in the ~~low-density mixed-use MU-3, MU-4, or NMU zones (MU-3, MU-4, MU-18, MU-25 through MU-29, and RC-2) and a NC zone to be used by a university or college~~ for a use other than the matter-or-right uses established in Subtitle ~~F and Subtitle G~~ U shall be permitted as a special exception, subject to review and approval if approved by the Zoning Commission as a special exception pursuant to Subtitle X, Chapter 9, and subject to the provisions of this section.

Subsections 200.2 through 200.4 of § 200, GENERAL PROVISIONS, of Chapter 2, CHANCERY APPLICATIONS, of Subtitle X, GENERAL PROCEDURES, are proposed to be amended to read as follows:

200.2 For the purposes of this chapter, the term “low- to medium-density residence zones” shall mean all the R and RF zones, and the RA-1, RA-2, RA-3, ~~RA-6, RA-7, RA-8, and RC-1~~ zones.

200.3 For the purpose of this chapter, the term “special purpose zones” shall mean the MU-1, MU-2, ~~MU-15, MU-16, MU-23,~~ and the D-2 zones.

200.4 For the purposes of this chapter, the term “medium-high density residential zones” shall mean the RA-4 ~~and RA-9~~ residential apartment zones zone, and “high-density residential zones” shall mean the RA-5 ~~and RA-10~~ residential apartment zones.

Subsection 301.1 of § 301, MINIMUM LAND AREA (PUD), of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

301.1 The minimum area included within a proposed development application, including the area of public streets or alleys proposed to be closed, shall be as follows:

TABLE X § 301.1: MINIMUM PUD LAND AREA

Zone Group	Applicable Zone	Minimum Area
1	Any R zone and RF-1, RF-3	2 acres
	RA-2	1 acre
	MU-4, MU-5A MU-5	15,000 sq. ft.
2	RA-1, RA-2/RC <u>RC-1</u> , MU-11	1 acre
3	RF-2, RA-8, RA-9, RA-10, MU-15, MU-16, MU-22 RF-1/DC, RA-2/DC <u>RA-4/DC, RA-5/DC, MU-1/DC, MU-2/DC,</u> <u>MU-10/DC</u>	1 acre
4	MU-17, MU-18, MU-19, MU-20, MU-21 MU-4/C, MU-5/DC, MU-6/DC, MU-8/DC, MU-9/DC	0.5 acre
5	NC-7, NC-8, NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, NC-17 MU-4/GA, MU-7/GA, MU-4/HS-H, MU-5/HS-H, MU-6/HS-H, MU-7/HS-H, MU-8/HS-H, MU-4/HS-A, MU-7/HS-A, MU-4/HS- R, MU-5/HS-R	10,000 sq. ft.
6	Any Other Zone	15,000 sq. ft.

Sections 303, PLANNED UNIT DEVELOPMENT FLEXIBILITY, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended by revising §§ 303.3 through 303.9, 303.16, and 303.18, to read as follows:

303.1 As part of the PUD process, the Zoning Commission may grant relief from ...

303.3 Except as limited in Subtitle X §§ 303.5 and 303.6, the Zoning Commission may increase the maximum total density permitted on the site as follows:

(a) In a R, RF or RA-1 zone, by no more than the aggregate of the floor area ratios of all buildings as permitted in the following table:

TABLE X § 303.3(b): MAXIMUM AGGREGATE FLOOR AREA RATIO (FAR)

<u>Zone</u>	<u>Maximum Residential FAR</u>	<u>Maximum Non-Residential FAR</u>	<u>Maximum Total FAR</u>
<u>R-1, R-2</u>	<u>0.4</u>	<u>n/a</u>	<u>0.4</u>
<u>R-3</u>	<u>0.6</u>	<u>n/a</u>	<u>0.6</u>
<u>RF, RA-1</u>	<u>1.0</u>	<u>n/a</u>	<u>1.0</u>

(b) In all other zones, by no more than twenty percent (20%) of that maximum matter-of-right permitted by the zone district(s) associated with the PUD. As part of the twenty percent (20%) increase, the Zoning

Commission may increase the maximum density for non-residential uses by no more than thirty-four percent (34%) of the maximum matter-of-right non-residential density permitted within the zone district associated with the PUD.

303.4 The twenty percent (20%) PUD related increase in density permitted under Subtitle X § 303.3**(b)** may be calculated using the matter-of-right density and the IZ bonus density **only** when the PUD includes a full allocation of Inclusionary Zoning units consistent with Subtitle C, Chapter 10.

303.5 The matter-of-right floor area ratio limits shall serve as the density guidelines for a PUD in the ~~NC~~ **NMU** zones.

303.6 The matter-of-right floor area ratio limits shall serve as the maximum permitted density for a PUD in the following zones:

- (a) ~~MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, MU-22, MU-25, MU-26~~ **Dupont Circle Mixed-Use zones included in Chapter 4, of Subtitle G, MIXED-USE ZONES** and;
- (b) **RF-2 Dupont Circle Residential Flat Zone in Chapter 3, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES;** and
- (c) **RA-8, RA-9, and RA-10 Dupont Circle Residential Apartment Zones in Chapter 5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES.**

303.7 Except as permitted for a penthouse **or rooftop structure** pursuant to Subtitle X § 303.18, no building or structure shall exceed the maximum PUD height permitted in the least restrictive zone district within the PUD site as set forth in the following table; provided, that the Zoning Commission may authorize the deviations permitted pursuant to Subtitle X § 303.10:

TABLE X § 303.7: MAXIMUM PERMITTED PUD BUILDING HEIGHT IN THE LEAST RESTRICTIVE ZONE DISTRICT

Zone	Maximum PUD Height (feet)
RF-1, RF-3 , RF-4, RF-5	50
RF-1/CAP	50
RA-1, RA-2, RA-7, RC-1	60
RA-3	75
RA-4, RA-5	90
RA-6 RA-1/NO	40
MU-1	75
MU-2	90

MU-3	40
MU-4	65
MU-4/NO	40
MU-5	90
MU-6	110
MU-7, MU-8	90
MU-9	130
MU-10	110
MU-11	40
MU-12	60
MU-13	80
MU-14	100
MU-23	90
MU-24, MU-25, MU-26	65
MU-27	40
MU-28 (C-3 A/FT)	90
MU-29 (CR/FT)	110
MU-30 MU-15	130
PDR-7 (M/FT) PDR-4/FT	90
D zones	As permitted in Subtitle I
PDR-1, PDR-2	60
PDR-3, PDR-4, PDR-5, PDR-6 PDR-1/FT	90
NC-1, NC-2, NC-3, NC-4, NC-5, NC-6, NC-7, NC-8, NC-9, NC-10, NC-11, NC-12, NC-13 NC-14, NC-15, NC-16, NC-17	In these NC zones, the matter-of-right height limits shall serve as the guidelines for a PUD.
RF-2, RA-8, RA-9, RA-10, MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, MU-22	The matter-of-right height limits shall serve as the maximum permitted height for a PUD.
Dupont Circle Residential Flat Zone in Chapter 3, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES	The matter-of-right height limits shall serve as the maximum permitted height for a PUD.
Dupont Circle Residential Apartment Zones in Chapter 5, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES	
Dupont Circle Mixed-Use zones included in Chapter 4, of Subtitle G, MIXED-USE ZONES	

303.8 In the **NC-7 MU-4/GA** and **NC-8 MU-5A/GA** zones, any additional height and floor area above that permitted as a matter-of-right shall be for residential use only.

303.9 In the **NC-9 through NC-13 zones H Street Northeast (HS) Neighborhood Mixed-use zones in Chapter 9 of Subtitle H, Neighborhood Mixed Use Zones**, any additional height and floor area above that permitted as a matter-of-right shall be used only for housing or the preferred uses of the **NC-9 through NC-13 H Street Northeast (HS) Neighborhood Mixed Use** zones.

303.10 The Zoning Commission may authorize the following increases ...

...

- 303.16 An electronic equipment facility (EEF) may occupy more than fifty percent (50%) of the gross floor area of a building in the MU-7, MU-8, MU-9, ~~MU-30~~ MU-15 or any D zone, if approved as part of a PUD in accordance with the requirements of this chapter and subject to the following ...
- 303.17 Any additional density (whether residential or non-residential) or development ...
- 303.18 The matter-of-right penthouse and rooftop structure height and number of story limits shall serve as the maximum permitted penthouse and rooftop structure height and stories for a PUD except in the following zones:

TABLE X § 303.18: MAXIMUM PUD PENTHOUSE AND ROOFTOP STRUCTURE HEIGHT AND STORIES

Zone	Maximum Penthouse and Rooftop Structure Height	Maximum Penthouse and Rooftop Structure Stories
RA-1	12 ft. except 15 ft. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
MU-4, MU-12, ARTS-1, CG-6, NC-7, NC-9, NC-14, NC-16 PDR-1, PDR-6	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; second story permitted for penthouse mechanical space
RA-3, MU-1	20 ft.	1; second story permitted for penthouse mechanical space
MU-5, MU-7, MU-8, MU-28 NC-8, NC-10, NC-12, NC-13, NC-15, NC-17 ARTS-2, PDR-2	20 ft.	1 plus mezzanine; second story permitted for penthouse mechanical space

Subsection 306.10 of § 306, HOUSING LINKAGE, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

- 306.10 A PUD that is subject to the housing requirement of this section shall not be relieved of the requirement to be found meritorious pursuant to the evaluation standards in Subtitle X § ~~306~~ 304.

Subsection 311.7 of § 311, IMPLEMENTATION, of Chapter 3, PLANNED UNIT DEVELOPMENT, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:

- 311.7 A condition in an order approving or modifying a PUD that requires the provision of affordable housing shall automatically terminate if title to the mortgaged property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a

mortgagee in the first position, or a mortgage in the first position is assigned to the Secretary of the U.S. Department of Housing and Urban Development provided the owner has executed monitoring and enforcement documents per the requirements of Subtitle X § ~~311.10~~ 311.6.

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

Subparagraph 19 of § 1600.1(b) of § 1600, FILING FEES FOR APPLICATIONS AND APPEALS, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) Appeal of any decision of the Zoning Administrator ...
- (b) Application for a special exception:
 - (1) Accessory apartment ...
 - ...
 - (19) Residential development, new, except those comprising all detached and semi-detached single dwelling units in the RA-1 and ~~RA-6~~ RA-1/NO zones pursuant to Subtitle U § 421.1, five hundred forty dollars (\$540) for each dwelling unit;
 - (20) Roof structures ...
 - ...
- (c) Application for a variance ...
- ...

Table Y § 1600 – SCHEDULE OF HEARING FEES, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:

TABLE Y § 1600 – SCHEDULE OF HEARING FEES

SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
Accessory apartment		\$ 325	
...			

SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
Production, distribution, and repair pursuant to Subtitle U § 802.1(e)		\$5,200	
...			

X. Proposed amendment to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Subsection 1601.1 of § 1601, HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:

1601.1 If the Commission schedules a public hearing on an application or petition for an amendment to the Zoning Map, prior to advertisement of the hearing, the applicant or petitioner shall pay a hearing fee in accordance with the following schedule:

- (a) For a map amendment to any R-1 through R-3, ~~R-6 through R-17, or R-19 through R-21~~ zone, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, six hundred fifty dollars (\$650);
- (b) For a map amendment to any RF-1 through RF-3 zone and RA-1 ~~or RA-6~~ zone, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, one thousand six hundred twenty-five dollars (\$1,625);
- (c) For a map amendment to any RA-2, ~~RA-7, RA-8, or RC-1~~ zone, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, three thousand two hundred fifty dollars (\$3,250);
- (d) For a map amendment to any RA-3 through RA-5, ~~RA-9, RA-10,~~ D-1-R, SEFC-2, SEFC-3, or CG-1 zone, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, six thousand five hundred dollars (\$6,500);
- (e) For a map amendment to any MU-1, MU-2, MU-10 through ~~MU-16, MU-22, MU-23, MU-29,~~ MU-14, D-2, SEFC-1, SEFC-4, CG4 through CG-7, and ARTS-4 zone, for each ten thousand square feet (10,000 sq. ft.) or part of that area, two thousand six hundred dollars (\$2,600);
- (f) For a map amendment to any MU-3 through MU-6, ~~MU-17 through MU-19, MU-24 through MU-27, NC-1 through NC-5, NC-7, NC-9 through NC-11, NC-14, NC-16, NC-17,~~ D-4-R, CG-2, ARTS-1, and

ARTS-2, ~~RC-2 and RC-3~~ zone, for each ten thousand square feet (10,000 sq. ft.) or part of that area, one thousand six hundred twenty-five dollars (\$1,625);

- (g) For a map amendment to any MU-7 through MU-9, ~~MU-20, MU-21, MU-28, NC-6, NC-8, NC-12, NC-13, NC-15~~, D-3 through D-5, D-5-R, D-6, D-6-R, D-7, D-8, CG-3, and ARTS-3 zone, for each ten thousand square feet (10,000 sq. ft.) or part of that area, three thousand two hundred fifty dollars (\$3,250);
- (h) For a map amendment to any ~~PDR-1 through PDR-7~~ zone, for each twenty thousand square feet (20,000 sq. ft.) or part of that area, two thousand six hundred dollars (\$2,600);
- (i) The maximum hearing fee for a map amendment ...
- (j) For an application or petition that proposes a map amendment to more than one (1) zone ...

Table Z § 1601 – SCHEDULE OF HEARING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended to read as follows:

TABLE Z § 1601 – SCHEDULE OF HEARING FEES

MAP AMENDMENT			
Case Type	Unit	Fee	Maximum
R-1 through R-3, R-6 through R-17, or R-19 through R-21 zone	43,560 sq. ft. or part of that area	\$ 650	\$65,000
RF-1 through RF-3 zone and RA-1 or RA-6	43,560 sq. ft. or part of that area	\$1,625	\$65,000
RA-2, RA-7, RA-8, or RC-1	43,560 sq. ft. or part of that area	\$3,250	\$65,000
RA-3 through RA-5, RA-9, RA-10 , D-1-R, SEFC-2, SEFC-3, or CG-1 zone	43,560 sq. ft. or part of that area	\$6,500	\$65,000
MU-1, MU-2, MU-10 through MU-16, MU-22, MU-23, MU-29, MU-14 , D-2, SEFC-1, SEFC-4, CG4 through CG-7, and ARTS-4 zone	10,000 sq. ft. or part of that area	\$2,600	
MU-3 through MU-6, MU-17 through MU-19, MU-24 through MU-27, NC-1 through NC-5, NC-7, NC-9 through NC-11, NC-14, NC-16, NC-17 , D-4-R, CG-2, ARTS-1, <u>and</u> ARTS-2, RC-2 and RC-3 zone	10,000 sq. ft. or part of that area	\$1,625	
MU-7 through MU-9, MU-20, MU-21, MU-28, NC-6, NC-8, NC-12, NC-13, NC-15 , D-3 through D-5, D-5-R, D-6, D-6-R, D-7, D-8, CG-3, and ARTS-3 zone	10,000 sq. ft. or part of that area	\$3,250	

MAP AMENDMENT			
Case Type	Unit	Fee	Maximum
PDR-1 through PDR-7 Any PDR zone	20,000 sq. ft. or part of that area	\$2,600	
TEXT AMENDMENT			
Case Type	Unit	Fee	Maximum
Each section of this title proposed to be added, deleted, or amended	Per section modified	\$ 325	\$ 1,300
PLANNED UNIT DEVELOPMENT OR AIR SPACE DEVELOPMENT			
For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit	100 sq. ft. of gross floor area or part of that area	\$ 7	\$65,000
For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit	100 sq. ft. of gross floor area or part of that area	\$ 13	
MODIFICATION TO A PLANNED UNIT DEVELOPMENT OR AIR SPACE DEVELOPMENT			
Case Type	Unit	Fee	Maximum
Modification to an approved design review, PUD, air space development, or any other action where review of a specific site or building plan was required		26% of the original hearing fee or \$1,300, whichever is greater	

Proposed amendments to the Zoning Regulations are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6- 641.01, et seq. (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on October 25, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking, published in the October 30, 2020, *D.C. Register*.

How to participate as a witness – oral presentation

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **required that all written testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is highly recommended that all written comments and/or testimony be submitted to the record at

least 24 hours prior to the start of the hearing. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, **provided that all written comments be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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

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።

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

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

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**Z.C. Case No. 20-26 (Office of Zoning - Text Amendment to Subtitles Y & Z for
Administrative Approvals of Validity Period of Approvals During COVID-19 Pandemic)**

THIS CASE IS OF INTEREST TO ALL ANCs

Setdown

On November 4, 2020, the Office of Zoning (“OZ”) filed a petition (the “Petition”) with the Zoning Commission (the “Commission”) proposing to amend the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

- Subtitle Y: Board of Zoning Adjustment Rules of Practice and Procedure - §§ 702, 705, 1600
- Subtitle Z: Zoning Commission Rules of Practice and Procedure - §§ 702, 705, 1600

OZ proposed the amendment to provide for administrative extension of the validity of orders approved by the Commission and the Board of Zoning Adjustment (the “Board”) scheduled to expire between November 27, 2020, and April 27, 2021, due to complications of the COVID-19 pandemic. OZ requested that the Commission:

- Consider taking emergency action to adopt the Petition;
- Set the Petition down for a public hearing;
- Authorize an immediate publication of proposed rulemaking for the Petition; and
- Authorize a 30-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the 40-day requirement of Subtitle Z § 502.1 for good cause because of the complications of the ongoing public health emergency caused by the COVID-19 pandemic.

Emergency & Proposed Action

At its November 19, 2020, public meeting, the Commission heard testimony from OZ in favor of the amendment. At the close of the meeting, the Commission voted to grant the Petition to:

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

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 8, *How to participate as a witness – written statements.*)

- Authorize a 30-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the 40-day requirement of Subtitle Z § 502.1 for good cause as detailed below.

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.)), because it accommodates delays caused by the COVID-19 pandemic.

The emergency rule is effective as of the Commission’s November 19, 2020, vote and will expire on March 19, 2021, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this emergency rule, whichever occurs first.

The complete record in the case can be viewed online at the Office of Zoning’s Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

EMERGENCY/PROPOSED TEXT AMENDMENT

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

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

Subsections 702.1 and 702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

- 702.1 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within this two (2) year period; provided that any order, **including any extension other than one granted by this subsection,** scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a **single** period of six (6) months from the date of expiration of the order ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

702.2 An order granting a special exception or variance where the establishment of the use is not dependent upon the erection or alteration of a structure shall be valid for a period of six (6) months, within which time an application shall be filed for an certificate of occupancy for the use approved; provided that any order, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020 (including any private school or other use approved by special exception), shall remain valid for a **single** period of six (6) months from the date of expiration of the order ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

Section 705, TIME EXTENSIONS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended by adding a new § 705.1, renumbering the existing subsections, and adding a new § 705.7, to read as follows:

705.1 The provisions of this section apply in their entirety to applications approved by the Board of Zoning Adjustment.

~~705.1~~ **705.2** The Board may extend the time periods in Subtitle Y § 702.1 ...²

~~705.2~~ **705.3** A time extension granted pursuant to Subtitle Y § 705.1 ...

~~705.3~~ **705.4** The Board’s decision on the request shall be in writing ...

~~705.4~~ **705.5** A request for a time extension shall toll the expiration date ...

~~705.5~~ **705.6** If the request is not decided prior to an order’s expiration date ...

705.7 For an order scheduled to expire between October 27, 2020 and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Y § 1600.1 and Table Y § 1600.

Subsection 1600.1 and Table Y § 1600 of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing a request for an appeal or application with the Board of Zoning Adjustment, the

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.

appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) Appeal of any decision of the Zoning Administrator ...
- ...
- (e) For a time extension, a modification of a Board order, or approved plans, whether the modification is minor or not, for the owner of an owner-occupied single dwelling unit or flat, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee; **except that:**
 - (1) A six (6)-month time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be fifty dollars (\$50) for an owner-occupied single dwelling unit or flat and five hundred twenty dollars (\$520) for all other applicants; and**
 - (2) A one (1)-year time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be one hundred dollars (\$100) for an owner-occupied single dwelling unit or flat and one thousand dollars (\$1,000) for all other applicants.**

...

TABLE Y § 1600 – SCHEDULE OF FILING FEES

SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
Accessory apartment		\$325	
...			
Time extension/minor and non-minor modification (owner-occupied)		\$130	
<u>Time extension/minor and non-minor modification (owner-occupied)</u>			
• <u>6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$50</u>	
• <u>1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$100</u>	
• <u>All other extensions/minor and non-minor modifications</u>		<u>\$130</u>	
Time extension/minor and non-minor modification (all others)		26%	
<u>Time extension/minor and non-minor modification (other than owner-occupied)</u>			
• <u>6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$500</u>	
• <u>1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$1,000</u>	
• <u>All other extensions/minor and non-minor modifications</u>		<u>26% of the original filing fee</u>	
Warehouse or wholesale use		\$5,200	
...			

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

Subsections 702.1 through 702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are proposed to be amended to read as follows:

- 702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval; provided that any approval, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a **single** period of six (6) months from the date of expiration of the approval ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~
- 702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building permit; provided that any approval, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020 (including any campus plan approval, whether approved under the BZA or Zoning Commission rules of procedure), shall remain valid for **a single period of** six (6) months from the date of expiration of the approval ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~
- 702.3 Construction shall start within three (3) years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval; provided that this three (3) year period shall be extended by **a single period of** six (6) months for any construction deadline, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020, and December 31, 2020, ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

Section 705, TIME EXTENSIONS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended by revising §§ 705.1, 705.4, 705.5, and by adding a new § 705.9, to read as follows:

705.1 The provisions of this section apply in their entirety to applications for design review and planned unit developments (PUDs) approved by the Zoning Commission.

...

705.4 Only one (1) extension, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9, may be requested for a design review development approval.

705.5 An applicant with an approved PUD may request no more than two (2) extensions, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9. The second extension for an extension may be approved for no more than one (1) year.

...

705.9 For an order scheduled to expire between October 27, 2020 and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.

Subsection 1600.10 and Table Z § 1600 of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are proposed to be amended, including reordering alphabetically, to read as follows:

1600.10 At the time of filing a request for approval of an extension of time to the validity of a Zoning Commission order, the applicant shall pay a filing fee ~~of~~ as follows:

- (a) Six (6)-month time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – five hundred twenty dollars (\$520);
- (b) One (1)-year time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – one thousand dollars (\$1,000); or
- (c) All other time extensions – the greater of one thousand, five hundred dollars (\$1,500) or ten percent (10%) of the original filing fee, up to a maximum of five thousand dollars (\$5,000).

...

TABLE Z § 1600 – SCHEDULE OF FILING FEES

CASE TYPE	FEE	MAXIMUM
Map amendment by rulemaking	\$325	
Text amendment	\$325	
Planned unit development (PUD), contested case map amendment, air space development	\$650	
Modification to an approved PUD, air space development	\$520	

CASE TYPE	FEE	MAXIMUM
Extension of time to the validity of an order for an approved design review or PUD	\$520	
Time extension to the validity of an order for an approved design review or PUD		
• <u>6-month extension pursuant to Subtitle Z § 705.9 due to COVID-19</u>	<u>\$520</u>	
• <u>1-year extension pursuant to Subtitle Z § 705.9 due to COVID-19</u>	<u>\$1,000</u>	
• <u>All other extensions</u>	<u>The greater of \$1,500 or 10% of the original filing fee</u>	<u>\$5,000</u>
College or university – new or revised campus plans	\$6,500	
College or university – review of a building or use w/in within an approved plan	\$3,250	
Design review (voluntary)	\$2,000	
Design review (required mandatory)		
• For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit	\$ 7/100 sq. ft.	\$65,000
• For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit	\$13/100 sq. ft.	
Modification to an approved design review		
• Voluntary	\$1,500	\$1,500
• Required	The greater of 26% of the original <u>hearing filing</u> fee or \$1,300, <u>whichever is greater</u>	

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on October 25, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking, published in the October 30, 2020, *D.C. Register*.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **required that all written testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- 1. Organizations 5 minutes each
- 2. Individuals 3 minutes each

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, **provided that all written comments be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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

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

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

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)), and the Alcoholic Beverage Enforcement Act of 2008, effective March 25, 2009 (D.C. Law 17-361; D.C. Official Code 25-830(f) (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, hereby gives notice of the adoption of amendments to the existing ABRA Civil Penalty Schedule (Schedule) set forth in Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The regulatory amendments are intended to update the Schedule by (1) incorporating new infractions and penalties; (2) removing duplicative infractions; and (3) amending the descriptions of existing infractions. *Those infractions not listed on the Schedule below shall remain in full effect and not be impacted by the proposed rulemaking.*

The Civil Penalty Notice of Proposed Rulemaking was published in the *D.C. Register* on October 25, 2019, for thirty (30)-day notice and comment. *See* 66 DCR 14095. The Board did not receive any comments during the comment period. On October 8, 2020, the Board held a public hearing for purposes of receiving comments from the public concerning the rulemaking. No one appeared to testify at the hearing and the Board did not receive any comments.

On March 11, 2020, the proposed rulemaking was introduced to the Council for the District of Columbia (Council). *See* Revised ABRA Civil Penalty Schedule Approval Resolution of 2020 (PR23-767). The Council held a hearing on October 8, 2020, and on October 20, 2020, passed the resolution approving the proposed rules.

The rules are now ripe for the Board to take final rulemaking action upon, and no changes have been made to the rules since they were published as proposed. Thus, on November 18, 2020, the Board voted, seven (7) to zero (0) to approve the final rules. The final rules shall take effect five (5) days after publication in the of the *D.C. Register*.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 800, ABRA CIVIL PENALTY SCHEDULE, is amended as follows:

By removing the following infractions to the ABRA Civil Penalty Schedule:

Section	Description	Violation	Warning
25-113(j)(3)	Failure to Obtain Board Approval for Off-site Storage	Secondary	Y – Mandatory
25-113(j)(3)(A)	Failure to Maintain Records on Premises	Primary	Y – Mandatory

By adding the following infractions to the ABRA Civil Penalty Schedule in numerical order:

Section	Description	Violation	Warning
23 DCMR 203	Failure to Obtain Retailer Purchasing Permit	Primary	Y
23 DCMR 205.3	Failure to Obtain Off-premises Storage Permit	Primary	Y

By amending the following infractions in the ABRA Civil Penalty Schedule as follows:

Section	Description	Violation	Warning
25-113(j)(3)	Failure to Maintain Books and Records on Premises	Primary	Y - Mandatory
25-113(j)(3)(C)	Failure of the Licensee to Keep or Maintain its Books, Records, or Invoices for 3 Years	Primary	Y
25-113(j)(3)(B)	Failure to Obtain Board Approval for Off-site Storage of Books and Records	Secondary	Y - Mandatory
25-721	Sale and Delivery Outside of Legal Hours for Manufacturer & Wholesaler	Primary	Y
25-722	Sale and Delivery Outside of Legal Hours for Off-site Premises Licensees	Primary	Y
25-723(b)	Sale, Service, and Consumption Outside of Legal Hours – On-premises Licensees	Primary	Y
25-724	Sale and Delivery Outside of Hours Restricted by Board Order or Settlement Agreement	Primary	Y
25-762(b)(13)	Failure to Obtain Approval to Extend the Board-approved Hours of Operation	Primary	Y
23 DCMR 205.2	Failure to Obtain Storage Facility Permit	Secondary	Y

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption of amendments to Chapter 81 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 80 Certified Behavioral Health Stabilization Providers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking adopts the Medicaid rates published by the Department of Health Care Finance in the District of Columbia Medicaid fee schedule for services provided to Medicaid and non-Medicaid clients by providers certified by the Department under Title 22-A DCMR Chapter 80, “Certification Standards for Behavioral Health Stabilization Providers.” This rulemaking also establishes reimbursement for room and board services provided by those certified under the Psychiatric Crisis Stabilization Program.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 11, 2020 at 67 DCR 10975. The Department did not receive any comments in response to that rulemaking. The Department did not make any changes to that rulemaking. This rule was adopted as final on November 25, 2020 and will become effective on the publication of this notice in the *D.C. Register*.

Title 22-A DCMR, MENTAL HEALTH, is amended to add a new Chapter 81 as follows:

CHAPTER 81 REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 80 CERTIFIED BEHAVIORAL HEALTH STABILIZATION PROVIDERS

8101 REIMBURSEMENT RATE

8101.1 The Department of Health Care Finance has published rates for Medicaid-funded services under Title 22-A District of Columbia Municipal Regulations (DCMR), Chapter 80. Those rates are contained in the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com. The Department of Behavioral Health (“the Department”) shall reimburse providers for Chapter 80 services provided to non-Medicaid beneficiaries at the same rates as contained in the District of Columbia Medicaid fee schedule.

8101.2 Reimbursement for the local-only services provided under Title 22-A DCMR Chapter 80, which includes Psychiatric Crisis Stabilization Room and Board, are set forth in the table below. This rate is the same as the local-only substance use service rate provided under Title 22-A DCMR Chapter 64, Residential Room and Board, Code H0043. The Department shall update the Psychiatric Crisis Stabilization Room and Board rate to reflect any future changes to the Chapter 64

substance use service rate by publishing a Public Notice in the *D.C. Register* and providing an opportunity for meaningful comment before implementation. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the new local only reimbursement rate.

SERVICE	CODE	RATE per UNIT (\$)	UNIT
Psychiatric Crisis Stabilization Room and Board	S9485-U2	See Title 22-A District of Columbia Municipal Regulations (DCMR), Chapter 64, Residential Treatment, Room & Board (H0043)	Per diem

8101.3 All future updates to the service codes and rates will be included in the District of Columbia Medicaid fee schedule pursuant to the procedures established in Title 29 DCMR, Section 988, by providing notice and an opportunity for comment.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Sections 3(f)(2) and 5(e)(2) of the District of Columbia College Access Act of 1999, approved November 12, 1999, (Pub. L. 106-98, D.C. Official Code §§ 38-2702(f)(2) and 38-2704(e)(4) (2012 Repl.)); Section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11)) (2018 Repl.); Section 402(b) of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6981 (Oct. 19, 2001)); and Mayor’s Order 2000-138, dated September 7, 2000, hereby gives notice of an amendment to Chapter 70 (Tuition Assistance Grant Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this final rulemaking is to remove the existing District of Columbia Tuition Assistance Grant (“DCTAG”) application deadline date and allow the Office of the State Superintendent of Education (“OSSE”) to set the DCTAG application deadline date by publishing public notice in the *D.C. Register* and on its website with a reasonable period of time prior to the application deadline date.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period on July 31, 2020, at 67 DCR 009238. The comment period officially closed on August 30, 2020, with the State Superintendent having received no comments. The final rules are being adopted in the same form as the emergency and proposed rule.

This final rulemaking is published with proper notice and comment, in accordance with the D.C. Administrative Procedures Act. These final rules are effective upon publication of this notice in the *D.C. Register*.

Chapter 70, TUITION ASSISTANCE GRANT PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**Subsection 7000.4 of Section 7000, APPLICATION PROCESS AND ELIGIBILITY CRITERIA, is amended to read as follows:**

...

7000.4 The applicant shall submit the application form and other records, documents or information required by § 7000.3 or 7003 to the Mayor after January 1st of the year preceding the award year the student will attend college. The Office of the State Superintendent of Education shall set the application deadline date by publishing public notice in the *D.C. Register* and on its website a reasonable period of time prior to the application deadline date.

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of For-Hire Vehicles, pursuant to the authority set forth in Sections 8(c)(3), (4), and (19) of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07 (c)(3), (4), and (19) (2018 Supp.)), hereby gives notice of the adoption of amendments to Chapter 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends Chapter 6 to allow the Department of For-Hire Vehicles (“Department”) to modify the mileage requirements and extend the maximum age of taxicabs to alleviate the economic impact on the taxicab industry due to COVID-19. This rulemaking is necessary to protect the health, safety and well-being of the taxicab drivers and passengers in the District of Columbia. Additionally, these changes promote a more viable taxicab industry and make requirements more consistent across the vehicle for-hire industry. As an essential service, it is critical that there are taxis available that are safe and accessible to passengers who rely on taxi services for transportation. Equally as important, this regulation allows taxi drivers to continue using their existing vehicles for their livelihood, which has been decimated by the recent public health emergency stemming from COVID-19. Without this regulation, several drivers would need to procure a new vehicle with limited means to do so or find a new source of income.

A Notice of Proposed Rulemaking was published in the *D.C. Register* at 67 DCR 11137 (September 18, 2020). The Department did not receive any comments during the comment period, which expired on October 19, 2020. No changes have been made from the proposed rulemaking.

This Notice of Final Rulemaking shall take effect upon publication in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 609, TAXICAB VEHICLE RETIREMENT, is amended as follows:

Subsection 609.3 is amended to read as follows:

609.3 Maximum age: Ten (10) model years.

Subsection 609.4 is amended to read as follows:

609.4 Maximum mileage: three hundred thousand (300,000) miles.

Subsection 609.6 (a) and (b) are amended to read as follows:

609.6 No vehicle shall be placed into service if:

- (a) It would have three (3) years or less prior to retirement under § 609.5;
- (b) It has been driven more than sixty-five thousand (65,000) miles, regardless of whether it has previously been used as a public vehicle-for-hire; or

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Director), pursuant to the authority set forth in § 201(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.01 (2014 Repl. & 2019 Supp.)), and Mayor's Order 98-49, dated April 15, 1998, hereby gives notice of the adoption of the following amendments to Chapter 12 (Controlled Substances Act Rules) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will update the list of Schedules V drugs by removing Epidiolex in Subsection 1205.1(b). The removal of Epidiolex from the list of Schedule V drugs is consistent with the federal Drug Enforcement Agency's position that Epidiolex is a cannabis derivative with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis and accordingly pursuant to the Agricultural Improvement Act of 2018 (AIA), Pub. L. 115-334, § 297A, is no longer controlled by the Controlled Substances Act.

This rulemaking was published in the *D.C. Register* on August 14, 2020 at 67 DCR 9747. No comments were received during the allotted thirty (30)-day public comment period, and no changes were made to the text of the rules as proposed.

These rules will become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 12, CONTROLLED SUBSTANCES ACT RULES, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Section 1205, SCHEDULE V ENUMERATED, is amended as follows:

Subsection 1205.1(b) is repealed.

DISTRICT DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 107 of the District of Columbia 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 will amend Chapter 30 (Adjudication and Enforcement) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The rule will authorize the Department of For-Hire Vehicles to issue Notices of Infraction for moving violations.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 14, 2020 at 67 DCR 9756. No comments were received. No changes were made to the text of the proposed rules. These final rule 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 3003, ISSUANCE OF MOVING AND NON-MOVING VIOLATIONS, is amended as follows:

Subsection 3003.1 is amended by adding a new paragraph (o) to read as follows:

3003.1 The following are empowered to issue Notices of Infraction for all moving and parking violations within their respective jurisdictions:

...

(o) The Department of For-Hire Vehicles as it relates to moving violations only.

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

NOTICE OF SECOND PROPOSED 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) (2012 Repl. & 2019 Repl.)) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of a second proposed rulemaking to amend Chapter 2 (License and Permit Categories) and Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

On June 24, 2020, the Board approved the License and Permit Categories Notice of Proposed Rulemaking, by a vote of seven (7) to zero (0). The proposed rulemaking sought to amend Chapter 2 by:

1. Revising and clarifying auction permits – public, personal and nonprofit wine auction permits;
2. Renaming and revising the requirements for wine and beer permits;
3. Creating a new manufacturer carryout permit;
4. Revising the requirements for storage facility permits;
5. Adding new endorsement and permit fees in order to ensure that the fees listed in Chapter 2 are consistent with Title 25 of the D.C. Official Code;
6. Updating the licensure periods; and
7. Renumbering and reorganizing the sections.

Additionally, the proposed rulemaking proposed removing the following two sections from chapter 7 (General Operating Requirements) and moving them to chapter 2 (License and Permit Categories) so that all licenses and permits are housed in the same chapter:

1. § 703 – Temporary Operating Retail Permit
2. § 711 – Permits for Sampling of Alcohol Beverages

The Board did not intend to make any substantive changes to the licensing fees (§ 208) or the application fees (§ 210). The proposed rulemaking made it clear that those fees would remain the same.

The License and Permit Categories Notice of Proposed Rulemaking was published in the *D.C. Register* on August 21, 2020, for a thirty (30)-day notice and comment. *See* 67 DCR 9986. In addition, the Board held a rulemaking hearing on September 23, 2020, to receive comment and testimony from the public concerning the proposed rulemaking. No one appeared to testify at the hearing; however, the Board did receive written comments from the District of Columbia Association of Beverage Alcohol Wholesalers, Inc. (DCABAW). The Board carefully considered each of the DCABAW's comments and decided to incorporate a few of them, which resulted in the present second proposed rulemaking. Below is a summary of the DCABAW's comments.

DISTRICT OF COLUMBIA ASSOCIATION OF BEVERAGE ALCOHOL WHOLESALEERS, INC.

1. Comments Concerning § 201 (Temporary Operating Retail Permit)

It is DCABAW's understanding that the alcoholic beverage purchases made under a Temporary Operating Retail Permit (TORP) are done so under the seller's license. Thus, they recommended that the Board amend § 201.1 to clarify that the person or entity that purchases an existing license (the Buyer) is permitted to temporarily operate under the existing licensee's (the Seller) license. Specifically, the DCABAW recommended the following language:

201.1 The purchaser of an ABC licensed establishment that seeks to continue business operations authorized by the purchased license while awaiting Board approval on a transfer of ownership application where there is no substantial change to the licensed premises may apply to the Board for a permit to temporarily operate under the purchased license pursuant to the following conditions . . .”

Additionally, the DCABAW informed the Board that it was important to the Wholesalers that purchase orders that are placed under a TORP are made by an authorized person and/or entity, and not an unregulated third party. Thus, they recommended that the Board amend § 201.3 to clarify that payments made by TORP holders are drawn from the TORP holder's bank account. Thus, they proposed the following language:

201.3 The holder of the temporary operating retail permit may purchase alcoholic beverages only by payment drawn upon the permit holder's bank account and such payment may be made by check, currency, electronic funds transfer, or other type of immediate transfer of money on or before delivery of the alcoholic beverages to the premises, unless the permit holder already holds another retail license.

2. Comments Concerning § 202 (Public Auction Permit)

DCABAW requested the Board's guidance to as to what is meant by the term, “licensee's successor” as used in § 202.

3. Comments Concerning § 207 (Manufacturer Carry-out Permit)

In respect to § 207, DCABAW suggests that the Board's proposed amendments would undermine the three-tier system. DCABAW states that it does not believe that this was the Board's intent, and that what the Board actually seeks to do is reduce the fee for the one-day substantial change permit. Thus, they recommend that the Board revise the proposed language to accomplish that purpose.

Similarly, DCABAW recommends that the Board amend Title 25 of the D.C. Official Code and Title 23 of the District of Columbia Municipal Regulations to use one consistent term for one-day substantial change permits. DCABAW points out that the Code and the DCMR uses “one-day

substantial change permit” and “one-day substantial change license” interchangeably but recommends using only one term to avoid confusion.

4. Comments Concerning § 208 (Disposal Permit)

Regarding § 208, DCABAW believes that disposal permits expire after thirty (30) days and seeks clarity from the Board concerning the expiration date for disposal permits. They are concerned that the proposed rulemaking’s amendment to § 204.3 would result in the disposal permit holder abusing the privilege by continuing to sell the alcoholic beverages that they otherwise were to dispose of.

5. Comments Concerning § 210 (Storage Facility Permit)

In respect to the Board’s amendments to § 210, DCABAW commented that some licensees, especially wholesalers, use storage facilities to store their products due to a lack of space at their licensed wholesaler facility. As such, they recommend that the Board revise § 210.3(b) to allow Wholesalers to transport and deliver alcoholic beverages to and from the storage facility.

BOARD’S DECISION

The Board has carefully reviewed DCABAW’s comments and agrees that further clarification or revisions are necessary to the proposed rulemaking. Specifically, the Board agrees with DCABAW’s recommendation to amend § 201.1 to clarify that the buyer of the license utilizes the seller’s license for the term of the TORP until the transfer of the license is completed. Additionally, the Board agrees with the recommended clarification that the buyer/TORP permit holder can only purchase alcoholic beverages from funds in their bank account. The Board adopts the proposed wording suggested by DCABAW for both of these suggested modifications.

In respect to § 202 (Public Auction Permit), the Board agrees that the term “licensee’s successor” is unintentionally vague and may cause confusion for the Wholesalers. Thus, it agreed to replace the term with “an involuntary transfer license holder” in § 202.1. In regard to § 207 (Manufacturer Carry-out Permit), the Board reconsidered its amendments to this section and has deleted this section in its entirety.

Finally, in regard to §§ 208 (Disposal Permit) and 210 (Storage Facility Permit), the Board agrees with DCABAW’s recommendations described above and adopts them both in this proposed rulemaking.

Because the Board’s adoption of DCABAW’s recommendations are substantive and not merely technical, the Board finds it necessary to publish the License and Permit Categories Rulemaking for a second round of comments. Thus, on this day, October 21, 2020, and by a vote of seven (7) to zero (0), the Board approves the License and Permit Categories Notice of Second Proposed Rulemaking.

Because this rulemaking was previously published for thirty (30)-day comment and a rulemaking hearing was held, to which the Board received comments from only one entity, the Board gives

notice of its intent to take final rulemaking action in fifteen (15) days as permitted by D.C. Official Code 2-505(a). Further, the Board will transmit the proposed rulemaking to the Council of the District of Columbia for a ninety (90)-day period of review in accordance with D.C. Official Code § 25-211(b)(2) (2012 Repl.), whereby Council’s approval of the rulemaking is required prior to adoption.

Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 200, STIPULATED LICENSE, is amended in its entirety to read as follows:

200 STIPULATED LICENSE

200.1 An applicant who has submitted a completed license application for a manufacturer’s, wholesaler’s, or retailer’s license may obtain a stipulated license under the following conditions:

- (a) The applicant has applied for or holds a manufacturer’s, wholesaler’s, or retailer’s license;
- (b) The applicant has submitted a stipulated license application; and
- (c) The applicant has submitted written correspondence signed by an ANC officer where the applicant’s premises is located stating that the ANC has voted with a quorum present to either support or not to object to the issuance of a stipulated license during the forty-five (45)-day protest period.

200.2 The holder of a retailer’s license, class C or D, may also apply to the Board for a stipulated license in accordance with § 200.1 for any amendment or endorsement to its license that is determined by the Board to be a substantial change, including a stipulated sidewalk café, summer garden, or entertainment endorsement.

200.3 The applicant must stop serving or selling alcoholic beverages under the stipulated license if a valid protest is filed during the forty-five (45)-day protest period.

A new Section 201 is added to read as follows:

201 TEMPORARY OPERATING RETAIL PERMIT

201.1 The purchaser of an ABC licensed establishment that seeks to continue business operations authorized by the purchased license while awaiting Board approval on a transfer of ownership application where there is no substantial change to the licensed premises may apply to the Board for a permit to temporarily operate under the purchased license pursuant to the following conditions:

- (a) The transfer application must be filed with or before the application for temporary authority;

- (b) The subject premises must not have been closed nor the sale or service of alcoholic beverages discontinued during the thirty (30) days immediately prior to the filing of the permit application; and
- (c) That no substantial changes to the licensed premises will occur.

201.2 An applicant for a temporary operating retail permit shall complete an application provided by the Board that at a minimum shall include:

- (a) The name of the applicant;
- (b) The license number;
- (c) The name of the current licensee;
- (d) The address of the licensed premises; and
- (e) A signed statement that no substantial change to the licensed premises will occur.

201.3 The holder of the temporary operating retail permit may purchase alcoholic beverages only by payment drawn upon the permit holder’s bank account and such payment may be made by check, currency, electronic funds transfer, or other type of immediate transfer of money on or before delivery of the alcoholic beverages to the premises, unless the permit holder already holds another retail license.

201.4 The temporary operating retail permit shall be valid until the applicant’s transfer application is either granted or denied by the Board or until the permit is cancelled or suspended by the Board pursuant to § 201.6.

201.5 Notwithstanding § 201.4, no temporary operating retail permit shall be valid for longer than ninety (90) calendar days unless extended by the Board for good cause.

201.6 The temporary operating retail permit may, after a hearing, be cancelled or suspended at any time, if the Board determines that good cause exists for the cancellation or suspension of the permit.

A new Section 202, PUBLIC AUCTION PERMIT, is added to read as follows:

202 PUBLIC AUCTION PERMIT

202.1 A public auction permit shall authorize the following persons to auction alcoholic beverages for sale at a Board-approved location for purchase by other licensees or members of the public:

- (a) A licensee that is going out of business or whose license has been cancelled, revoked, or not renewed by the Board; or
- (b) An involuntary transfer license holder.

A new Section 203, PERSONAL AUCTION PERMIT, is added to read as follows:

203 PERSONAL AUCTION PERMIT

- 203.1 A personal auction permit shall authorize the holder of the permit to auction for sale the personal alcoholic beverage stock of an individual or his or her estate at a Board-approved location for consumption off-premises by the purchasing party.
- 203.2 A personal auction permit to sell alcoholic beverages at an estate sale may be obtained by either an off-premises retailer or wholesaler licensed to carry the products being sold or an individual or corporate entity without an ABC license. However, a personal auction permit to sell an individual’s own private alcoholic beverage stock not related to an estate sale must be obtained by an off-premises retailer or wholesaler licensed to carry the products being sold.

A new Section 204, PUBLIC AND PERSONAL AUCTION PERMIT RESTRICTIONS, is added to read as follows:

204 PUBLIC AND PERSONAL AUCTION PERMIT RESTRICTIONS

- 204.1 Any purchased barrel, keg, sealed bottle, or other closed container purchased at auction shall not be opened, or the contents consumed, at the approved location.
- 204.2 An auction permit issued in accordance with §§ 202 and 203 shall not be issued for more than two (2) consecutive days.
- 204.3 An auction permit issued in accordance with §§ 202 and 203 shall not be issued more than once a year to an individual or corporate entity that does not hold an ABC license.
- 204.4 Before an auction is held, the holder of an auction permit issued in accordance with §§ 202 and 203 shall provide to the Board written notice of:
 - (a) The date, time and place of the auction; and
 - (b) The inventory of the alcoholic beverages to be auctioned.

The current Section 202, NONPROFIT CORPORATION AUCTION PERMIT, is amended by (a) renaming the section, (b) renumbering it § 205, (c) adding manufacturer licenses, and (d) clarifying that only wine can be auctioned, so that the entire section reads as follows:

205 NONPROFIT CORPORATION WINE PERMIT

- 205.1 A nonprofit corporation wine permit shall allow the retail sale of wine at auction, provided the auction is held as part of a fundraising event to benefit the organization's tax-exempt activities. Each permit shall allow the sale of wine at a single auction only.
- 205.2 The Board shall not grant a nonprofit corporation more than two (2) nonprofit corporation wine permits in a calendar year.
- 205.3 Wine sold at auction must be purchased or donated from or through the holder of a manufacturer's, wholesaler's or retailer's license.
- 205.4 A nonprofit corporation wine permit may be issued in conjunction with a temporary license. However, wine purchased at auction shall not be opened, or the contents consumed, at the auction site.

The current Section 203, WINE AND BEER PURCHASING PERMIT, is amended by (a) renaming the section, (b) renumbering it § 206, and (c) including spirits and distillery pub permit holders, so that the entire section reads as follows:

206 RETAILER PURCHASING PERMIT

- 206.1 A retailer purchasing permit shall allow the holder of an off-premises retailer's license, class A or B, AI or BI, distillery pub endorsement, wine pub endorsement, or brew pub endorsement to sell spirits, wine, or beer to the public at the premises of the holder of an on-premises retailer's license, class C or D, or temporary license for off-premises consumption.
- 206.2 Alcoholic beverages purchased at the Board-approved location from the holder of an off-premises retailer's license, class A or B, AI or BI, distillery pub endorsement, wine pub endorsement, or brew pub endorsement under a retailer purchasing permit shall not be opened or consumed at the Board-approved location.
- 206.3 The holder of a retailer purchasing permit may remove closed containers of beer, wine, or spirits from the Board-approved location, but shall not remove opened containers of beer, wine, or spirits from the Board-approved location. This subsection shall also apply to customers who purchase or receive alcoholic beverages at the Board-approved location.
- 206.4 A retailer purchasing permit shall not be issued for more than four (4) consecutive calendar days.

The current Section 204, DISPOSAL PERMIT, is renumbered § 207 and is amended to read as follows:

207 DISPOSAL PERMIT

- 207.1 A disposal permit shall allow the holder of a retailer's license who has had its license cancelled or revoked or is going out of business to sell or transport its remaining alcoholic beverages to a wholesaler or retailer located in the District or licensed under the law of any state or territory of the United States.
- 207.2 Alcoholic beverages sold under a disposal permit shall be delivered either to the purchasing wholesaler or retailer's licensed location or to another Board-approved location within the District.
- 207.3 A disposal permit issued under this section shall expire within thirty (30) days of issuance by the Board.

A new Section 208 is added to read as follows:

208 TASTING PERMITS FOR SAMPLING ALCOHOLIC BEVERAGES

- 208.1 The holder of an off-premises retailer's license, class A or B who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of alcoholic beverages, during its hours of sales and service unless restricted by Board order or settlement agreement.
- 208.2 The holder of an off-premises retailer's license, class AI, who is issued a tasting permit may use a portion of the licensed premises for the sampling of authorized alcoholic beverages during its hours of sales and service; provided that the tastings are:
- (a) Not open to the public; and
 - (b) Limited to temporary and festival license holders and caterers.
- 208.3 The holder of an off-premises retailer's license, class BI, who is issued a tasting permit may use a portion of the licensed premises for the sampling of wine and beer during its hours of sales and service; provided that the tastings are:
- (a) Not open to the public; and
 - (b) Limited to temporary and festival license holders.
- 208.4 The holder of a manufacturer's license, class A, B, or C, who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of authorized alcoholic beverages between the hours set forth in D.C. Official Code § 25-118(e).

- 208.5 The holder of a wholesaler's license, class A or B, who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of authorized alcoholic beverages, between the hours set forth in D.C. Official Code § 25-118(f)(1) provided that the tastings are:
- (a) Not open to the public;
 - (b) For the purpose of educating staff and introducing products to licensees; and
 - (c) Limited to the following:
 - (1) Retailers;
 - (2) Manufacturers;
 - (3) Temporary and festival license holders;
 - (4) Solicitors; and
 - (5) Wholesaler staff.
- 208.6 The holder of an off-premises retailer's license, class AI or BI, or wholesaler's license, class A or B, or a private collector, who is issued a tasting permit may also offer samplings of alcoholic beverages at a designated common area in a storage facility, provided that the licensee is a tenant of the storage facility and the tastings are closed to the public.
- 208.7 No licensee may offer the sampling of alcoholic beverages without obtaining a tasting permit from the Board. A request for a tasting permit shall be in writing and shall:
- (a) State in detail the type of beverages to be offered in the sampling;
 - (b) Include drawings of the premises indicating the areas where the sampling is to take place; and
 - (c) State the hours and days during which the sampling is to take place.
- 208.8 Containers of alcoholic beverages used for sampling purposes shall be labeled as such and may not be sold.
- 208.9 A tasting permit issued under this section shall be valid for no longer than three (3) years. The permit shall expire on the same date as the applicant's retailer's, wholesaler's, or manufacturer's license.

- 208.10 The holder of a tasting permit shall be authorized to provide to one (1) customer in any one (1) day samples that do not exceed the following quantities:
- (a) Three ounces (3 oz.) of spirits;
 - (b) Six ounces (6 oz.) of wine; and
 - (c) Twelve ounces (12 oz.) of beer.
- 208.11 Notwithstanding § 208.10, a private collector who holds a tasting permit may offer samplings greater than six ounces (6 oz.) of wine; provided that the private collector does not serve the customer more than one two-ounce (2 oz.) sampling at a time.

The current Section 205, STORAGE FACILITY PERMIT, is renumbered § 209 and amended to read as follows:

209 STORAGE FACILITY PERMIT

- 209.1 A storage facility permit shall allow the holder to establish a bonded warehouse in the District of Columbia as a storage facility for alcoholic beverages by the holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or a caterer's license who possesses an off-premises storage permit, or for the accounts of other persons.
- 209.2 The holder of a storage facility permit shall be authorized to handle alcoholic beverages at the storage facility. The handling of alcoholic beverages under this subsection shall include the following:
- (a) Packaging and repackaging services;
 - (b) Bottle labeling services;
 - (c) Creating buckets or variety packs that may include non-alcoholic products; and
 - (d) Picking, packing, and shipping alcoholic beverage orders directly to the consumer.
- 209.3 Alcoholic beverages stored in a storage facility may be removed from the storage facility only for the purpose of being:
- (a) Exported from the District;

- (b) Shipped or delivered to a holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, or retailer's license, class A, B, C, or D;
 - (c) Shipped or delivered to a catered event site;
 - (d) Shipped or delivered to a consumer; or
 - (e) Returned to a private collector who is a tenant.
- 209.4 The storage facility shall be physically secure, zoned for the intended use and physically separated from any other use.
- 209.5 Delivery of alcoholic beverages to a storage facility shall create a bailment in favor of the holder of a storage facility permit.
- 209.6 Warehousing of alcoholic beverages by any person other than a holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, caterer's license, or a private collector with a tenant agreement is prohibited.
- 209.7 A licensee may conduct other activities at the storage facility with the Board's approval; except, that the licensee shall not be permitted to sell, serve, or allow the consumption of alcoholic beverages at the storage facility except as permitted by § 209 and D.C. Official Code § 25-118.
- 209.8 The holder of a storage facility shall post, in a conspicuous place, the following:
- (a) A warning sign, in accordance with the requirements set forth in § 719.1;
 - (b) A copy of the storage facility permit; and
 - (c) A copy of the manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or the caterer's license in the licensed portion of the storage facility.
- 209.9 The holder of the storage facility permit shall, upon request, provide its permit to an ABRA investigator or member of the Metropolitan Police Department for inspection.
- 209.10 The holder of a storage facility permit shall maintain on the licensed premises, the following:
- (a) Three (3) years of records identifying the brand and quantity of alcoholic beverages being stored at the storage facility; and

- (b) The movement of alcoholic beverages to and from the storage facility over the past three (3) years.

209.11 The Board shall have the right to inspect the warehouse of a storage facility permit holder as and when it may deem necessary for the proper regulation of the storage of alcoholic beverages.

209.12 A storage facility permit shall be valid for three (3) years.

A new Section 210, OFF-PREMISES STORAGE, is added to read as follows:

210 OFF-PREMISES STORAGE PERMIT

210.1 The holder of a manufacturer’s license, class A, B, or C, wholesaler’s license, class A or B, retailer’s license, class A, B, C, or D, or a caterer’s license shall obtain an off-premises storage permit to store alcoholic beverages at a storage facility approved by the Board.

210.2 An off-premises storage permit shall be valid for three (3) years.

The current Section 211, ALCOHOL CERTIFICATION PROVIDER PERMIT, is renumbered § 211 and amended in its entirety to read as follows:

211 ALCOHOL CERTIFICATION PROVIDER PERMIT

211.1 A person or entity wishing to become an alcohol certification provider shall obtain an alcohol certification provider permit which shall allow the holder to provide an alcohol training and education certification program in the District of Columbia.

211.2 An alcohol certification provider permit shall be valid for three (3) years.

211.3 An alcohol certification provider shall include the following subjects in its alcohol and education training program:

- (a) The effect of alcohol on the body and behavior, especially as to driving ability;
- (b) Recognizing the problem drinker;
- (c) Intervention techniques, involving methods of dealing with the problem customer who has had or is approaching the point of having had too much to drink;
- (d) Methods of recognizing and dealing with underage customers;

- (e) Prevention techniques involving effective identification and carding procedures, and methods to reasonably regulate the service of alcoholic beverages to patrons;
- (f) Explanation of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001 and this title;
- (g) Advertising, promotion, and marketing of alcoholic beverages; and
- (h) Explanation that alcoholism is a chronic, progressive disease and that treatment is available through clinical providers and mutual support groups.

211.4 Independent contractors, private individuals, or educational institutions which seek approval to provide alcoholic beverage server training shall proceed as follows:

- (a) Submit a letter of intent to the ABRA Director which must include a copy of all training materials, curriculum, and examinations, along with the annual fee set forth in § 216.1 for the entire three (3)-year permit period.
- (b) ABRA's Enforcement Division shall prepare a written report evaluating the program's compliance with the training standards for the Director's review.
- (c) Should the ABRA Director find that the applicant meets the requirements of this section, the application will then be placed before the Board for consideration at its next regularly scheduled meeting.
- (d) The Board shall make the final determination as to the qualifications of the applicant and compliance of the applicant's program with § 211.3.
- (e) An alcohol certification provider permit shall expire after three (3) years from the date that the Board issues the permit. The alcohol certification provider may resubmit a program to the Board for approval as part of its application to renew its certification provider permit.

The current Section 206, SPECIAL LICENSING PROVISIONS, is renumbered § 212 and is amended to read as follows:

212 SPECIAL LICENSING PROVISIONS

212.1 No holder of an on-premises retailer's license, class C or D, shall sell or serve alcoholic beverages in closed containers, with the following exceptions:

- (a) Holders of class CH and DH Hotel licenses may sell and serve alcoholic beverages in closed containers in the private rooms of their registered guests; and

- (b) Holders of class CX and DX Club licenses may sell and serve alcoholic beverages in closed containers in any room or area available only to bona fide members of the club or their guests.
- 212.2 A restaurant or delicatessen located within a pavilion, shopping mall, or shopping center may be allowed to sell beer, wine or spirits to customers for on-premises consumption; provided that:
 - (a) The restaurant or delicatessen holds the appropriate on-premises retailer's license;
 - (b) Alcoholic beverages are consumed on the licensed premises or within the common areas of the pavilion, shopping mall, or shopping center approved by the Board, which shall be deemed part of the licensed establishment for purposes of D.C. Official Code § 25-113; and
 - (c) The alcoholic beverage containers bear the licensed establishment's name.
- 212.3 The Board shall not grant an on-premises retailer's license, class CN or DN, to a hotel unless the hotel holds an on-premises retailer's license, class CH or DH.
- 212.4 Nothing in this section shall preclude the holder of an off-premises retailer's license, class A or B, from having tables and chairs available to their customers either inside or outside, provided that alcoholic beverages are not opened or consumed on the licensed premises.
- 212.5 Notwithstanding § 212.4, an off-premises retailer's license, class B, that qualifies as a full-service grocery store, and possesses an on-premises retailer's license class, CR or DR, may sell and serve alcoholic beverages for on-premises consumption.

The current Section 207, LICENSURE PERIODS, is amended by (a) renumbering it § 213, and (b) updating the licensure renewal periods, including adding pub crawl licenses, so that it reads follows:

213 LICENSURE PERIODS

- 213.1 Except as provided for in § 213.2, the following licenses or permits issued by the Board shall be valid for three (3) years:
 - (a) Manufacturer's license;
 - (b) Wholesaler's license;
 - (c) Off-premises Retailer's license;
 - (d) On-premises Retailer's license;

- (e) Caterer’s license;
- (f) Solicitor’s license;
- (g) Farm winery retail licenses;
- (h) Pub crawl license
- (i) Alcohol certification permit;
- (j) Tasting permit;
- (k) Storage facility permit; and
- (l) Off-premises storage permit.

213.2 Licenses issued by the Board shall be valid for less than three (3) years in the following instances:

- (a) When suspended or revoked;
- (b) In the case of temporary, festival, and farmer’s market licenses;
- (c) When the license takes effect on a date in between the dates established by the Board for the regular licensure period of each license class, in which case the license shall be valid only until the end of the licensure period; and
- (d) In the case of stipulated licenses.

213.3 The three (3)-year renewal period for each license listed below shall occur sequentially every three (3) years starting with the following dates:

License Class	Licensure Period	Ending Year
Manufacturer A	Apr. 1 to Mar. 31	2021
Wholesaler A	Apr. 1 to Mar. 31	2021
Retailer A	Apr. 1 to Mar. 31	2021
Manufacturer B	Oct. 1 to Sept. 30	2020
Wholesaler B	Oct. 1 to Sept. 30	2020
Retailer B	Oct. 1 to Sept. 30	2020
Retailer CR	Apr. 1 to Mar. 31	2022
Retailer CT	Oct. 1 to Sept. 30	2022
Retailer CN	Oct. 1 to Sept. 30	2022
Retailer CH	Apr. 1 to Mar. 31	2022
Multipurpose facility CX	Apr. 1 to Mar. 31	2022

Club CX	Apr. 1 to Mar 31	2022
Common Carrier CX	Apr. 1 to Mar 31	2022
Retailer Arena CX	Apr. 1 to Mar 31	2022
Retailer DR	Apr. 1 to Mar. 31	2022
Retailer DT	Oct. 1 to Sept. 30	2022
Retailer DN	Oct. 1 to Sept. 30	2022
Retailer DH	Apr. 1 to Mar. 31	2022
Multipurpose facility DX	Apr. 1 to Mar. 31	2022
Club DX	Apr. 1 to Mar 31	2022
Common carrier DX	Apr. 1 to Mar 31	2022
Caterer	Apr. 1 to Mar 31	2022
Solicitor	July 1 to June 30	2023
Farm winery retail	Oct. 1 to Sept. 30	2021
Alcohol certification provider permit	July 1 to June 30	2023
Pub Crawl License	Oct. 1 to Sept. 30	2023

The current Section 208, LICENSE FEES, is renumbered § 214.

The current Section 209, PERMIT AND ENDORSEMENT FEES, is amended by (a) renumbering it § 215 and (b) adding new permits and endorsements to read as follows:

215 PERMIT AND ENDORSEMENT FEES

215.1 The fee for permits and endorsements shall be as follows:

Permit/Endorsement	Fee
Importation permit	\$ 5
Pool buying group agent importation permit	\$ 1,000/year
Tasting permit for off-premises retailers, wholesalers, manufacturers, and private collectors	\$ 130/year
Storage facility permit	\$ 300/year
Off-premises storage permit	\$ 25/year
Alcohol certification provider permit	\$ 100/year
Public auction permit	\$ 30
Personal auction permit	\$ 30
Nonprofit corporation wine permit	\$ 30
Retailer purchasing permit	\$ 35
On-site sales and consumption permit	\$ 1,000/year
Sidewalk café or summer garden endorsement	\$ 75/year
Entertainment endorsement (twenty percent (20%) of the base license fee)	20%
Amendment to a license which results in an inspection	\$ 50

Manufacturer carry-out permit	\$ 50
Sports wagering endorsement	\$ 100/year
Games of skill endorsement	\$ 200/year
1 Pub endorsement	\$ 5,000/year
2 Pub endorsements	\$ 7,500/year
3 Pub endorsements	\$ 9,000/year

The current Section 210, APPLICATION FEES, is renumbered § 216.

The current Section 212, MANAGER CERTIFICATION, is renamed and renumbered § 217, and amended to read as follows:

217 MANAGER TRAINING CERTIFICATION

217.1 An applicant for a Manager’s license shall submit a copy of his or her training certificate showing completion of an alcohol training and education program within the previous three (3) years from a Board-approved training provider with his or her Manager’s license application.

217.2 An applicant for a Manager’s license, who has applied for a Manager’s license but who has not completed an alcohol training and education program may be issued a temporary Manager’s license pursuant to § 707.10 by the Board for a period not to exceed thirty (30) days upon the submission of a sworn affidavit from the applicant that he or she will complete an alcohol training and education program and submit a copy of his or her certificate within the thirty (30)-day period.

The current Section 213, EXEMPTION FROM LICENSING REQUIREMENT, is renumbered § 218 and amended to read as follows:

218 EXEMPTION FROM LICENSING REQUIREMENT

218.1 A license shall not be required for any event where alcoholic beverages are provided gratuitously for on-premises consumption on the host’s own premises. Notwithstanding the foregoing, a license shall be required if the operator of the premises provides professional services for the on-premises consumption of alcoholic beverages which are provided gratuitously to guests; or if the operator of the premises rents out the facility or provides entertainment, food or non-alcoholic beverages for compensation.

218.2 An applicant for a new license shall not permit the consumption of alcoholic beverages on the premises unless the applicant has obtained a stipulated or temporary license. The applicant for a new license may also permit a licensed caterer to host an event on the premises pursuant to § 25-113 so long as the caterer acts as operator of the premises by retaining responsibility for the duration of the event, including control over the modes of ingress and egress into the establishment, bar and security staff, and the service of alcoholic beverages.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 703, TEMPORARY OPERATING PERMIT, is repealed.

Section 711, RETAIL PERMITS FOR SAMPLING OF ALCOHOLIC BEVERAGES, is repealed.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email martha.jenkins@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than fifteen (15) days after the date of publication of this notice in the *D.C. Register*, to the above address.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Underground Storage Tank Infractions**

The Director of the Department of Energy and Environment (“Department”), pursuant to the authority set forth in Section 107 of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07 (2013 Repl. & 2019 Supp.)); the District of Columbia Underground Storage Tank Management Act of 1990, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code § 8-113.01 *et seq.* (2013 Repl.)) (“UST Act”); Sections 11 and 21 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.10 & 8-103.20 (2013 Repl.)); the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.* (2016 Repl. & 2019 Supp.)); and Mayor’s Order 2006-61, dated June 14, 2006, hereby gives notice of intent to amend § 4008 of Chapter 40 (Department of the Environment (DDOE) Infractions) of Title 16 (Consumers, Commercial Practices, & Civil Infraction) of the District of Columbia Municipal Regulations (DCMR).

D.C. Official Code § 8-113.09(g) authorizes the Department to impose a civil fine as an alternative sanction for any violation of the UST Act or the underground storage tank regulations published at 20 DCMR Chapters 55-67 and 70 (“UST regulations”). Civil fine amounts are determined in accordance with the schedule of fines in 16 DCMR Chapter 32, which establishes classes of infractions and associated fine amounts. The class of infraction for each violation of a Department of Environment regulation is established in 16 DCMR Chapter 40. 16 DCMR § 4008 establishes the class of infraction for each violation of the UST Act and UST regulations.

On December 28, 2018, the Department published a Notice of Proposed Rulemaking amending the UST regulations. The amendments incorporated new requirements of the 2015 amendments to the federal underground storage tank regulations at 40 CFR Part 280, as well as updates to other District requirements. The purpose of this proposed rulemaking is to amend 16 DCMR § 4008 to make the underground storage tank infractions consistent with the proposed amendments to the UST regulations.

The proposed rulemaking establishes the class of infraction for a violation of each new requirement of the proposed amendments to the UST regulations, including:

- A requirement to maintain records of a corrosion expert’s analysis for systems exempted from corrosion protection requirements (20 DCMR § 5502.3);
- Requirements for previously deferred UST systems with field-constructed tanks and airport hydrant systems (20 DCMR §§ 5507.3, 5507.4, 5507.7, and 5507.9 through 5507.13);

- Requirements to test and remove tanks older than thirty years (20 DCMR §§ 5700.10 and 5700.11);
- Requirements for testing of secondary containment (20 DCMR §§ 5701.5 and 5703.5);
- New spill and overfill prevention requirements (20 DCMR §§ 5705.2, 5705.4, and 5705.7);
- Requirements to remove inoperative equipment and inspect upgraded UST systems (20 DCMR §§ 5800.2, 5801.5, 5801.6, 5901.7, and 5901.8);
- A requirement to submit plans and obtain approval from the Department before upgrading an existing tank to stage I vapor recovery (20 DCMR § 5801.2);
- Requirements for testing of spill prevention equipment and containment sumps used for interstitial monitoring of piping (5900.11 through 5900.15);
- Requirements for testing following a repair (5902.7 and 5902.14);
- Requirements to demonstrate compatibility between an UST system and the regulated substance it contains (20 DCMR §§ 5903.2 through 5903.4);
- Walkthrough inspection requirements (20 DCMR §§ 5904.1 through 5904.3, 5904.6, 5904.7);
- New requirements for release detection system testing (20 DCMR §§ 6000.14, 6002.4, and 6003.7);
- A requirement to comply with release detection during temporary closure (20 DCMR § 6100.7);
- A requirement to maintain records of site assessment for release detection using groundwater or vapor monitoring (20 DCMR § 6001.7);
- New requirements for release detection using automatic tank gauging (20 DCMR §§ 6008.5 through 6008.7);
- A requirement to repair, upgrade, or close an UST system with a leaking inner or outer tank wall or liner (20 DCMR § 6011.15);
- Requirements for release detection using statistical inventory reconciliation (20 DCMR §§ 6012.2 through 6012.4); and
- A requirement to deliver closure records to the Department (20 DCMR § 6103.3).

In addition, the rulemaking updates the numbering and descriptions of infractions of existing requirements to be consistent with proposed amendments to the UST regulations. The class of infraction for existing requirements has not been altered, except that a violation of 20 DCMR §

6101.9 for failure to properly empty, clean, and fill a tank with inert material for closure-in-place has been reclassified as a Class 2 infraction to be consistent with other similar requirements to properly empty and clean a tank prior to a change-in-service or closure.¹

The Department gives notice of the intent to take final rulemaking action to adopt these amendments in no less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 40, DEPARTMENT OF THE ENVIRONMENT (DDOE) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, & CIVIL INFRACTIONS, is amended as follows:

Section 4008, UNDERGROUND STORAGE TANK INFRACTIONS, is amended to read as follows:

4008 UNDERGROUND STORAGE TANK INFRACTIONS

4008.1 In addition to §§ 4008.2, 4008.3, and 4008.4, violation of any of the following provisions shall be a Class 1 infraction:

- (a) D.C. Official Code § 8-113.09(c) (continuing work stopped by a Department order);
- (b) 20 DCMR § 5502.2 (installing an underground storage tank (UST) system listed in 20 DCMR § 5502.1(a), (b), or (c) that fails to meet specified requirements);
- (c) 20 DCMR § 5507.3 (installing an UST system with field-constructed tanks or airport hydrant system that fails to comply with the regulations);
- (d) 20 DCMR § 5507.7 (failure to upgrade an UST system with field-constructed tanks or airport hydrant system in accordance with specified requirements);
- (e) 20 DCMR § 5601.9 (depositing or dispensing regulated substance into a UST for which registration has been denied);
- (f) 20 DCMR § 5602.1 (failure to submit specified information and documentation as required);
- (g) 20 DCMR § 5700.1 (failure of petroleum UST system to meet specified performance standards or requirements for upgrade);

¹ 16 DCMR § 4008.13 provides that a violation of 20 DCMR § 6101.8 (failure to empty, clean, and fill tank with an inert solid material and comply with 20 DCMR §§ 5600.14 and 6101 when a tank removal variance is granted) shall be a Class 3 violation. The proposed amendments to the UST regulations would move this requirement to 20 DCMR § 6101.9.

- (h) 20 DCMR § 5700.2 (failure of hazardous substance UST system installed after November 12, 1993 to meet performance standards set forth in 20 DCMR § 5702);
- (i) 20 DCMR § 5700.8 (failure of metal tanks and attached metal piping conveying regulated substances to be designed, constructed, and installed in a manner that will prevent corrosion);
- (j) 20 DCMR § 5701.1 (failure of petroleum UST to meet specified construction and material requirements);
- (k) 20 DCMR § 5701.2 (failure of petroleum steel tank to be cathodically protected as specified);
- (l) 20 DCMR § 5701.8 (failure of motor fuel dispenser system to contain under-dispenser containment as specified);
- (m) 20 DCMR § 5702.1 (failure of hazardous substance UST to meet specified construction and material requirements);
- (n) 20 DCMR § 5702.2 (failure of hazardous substance steel tank to be cathodically protected as specified);
- (o) 20 DCMR § 5703.1 (failure of heating oil UST to meet specified construction and material requirements);
- (p) 20 DCMR § 5703.2 (failure of heating oil steel tank to be cathodically protected as specified);
- (q) 20 DCMR § 5704.2 (failure of UST system piping to meet specified construction and material requirements);
- (r) 20 DCMR § 5704.3 (failure of steel UST piping to be cathodically protected as specified);
- (s) 20 DCMR § 5705.1 (failure to use spill prevention equipment);
- (t) 20 DCMR § 5705.2 (failure to ensure that a new or upgraded UST system has sufficient volume to contain all regulated substances and that transfer is continuously monitored in accordance with 20 DCMR § 5900.3);
- (u) 20 DCMR § 5800.1 (failure of petroleum UST system to comply with specified upgrade requirements, performance standards, permanent closure requirements, or corrective action requirements);

- (v) 20 DCMR § 5800.2 (failure to ensure that all components connected to an existing petroleum UST system are operating and that all inoperative components are removed);
- (w) 20 DCMR § 5800.3 (depositing a regulated substance into a petroleum UST that has not met upgrade requirements in 20 DCMR § 5800.1);
- (x) 20 DCMR § 5800.4 (failure of hazardous substance UST system to comply with specified performance standards, permanent closure requirements, or corrective action requirements);
- (y) 20 DCMR § 5803.1 (failure to comply with UST system spill and overfill prevention equipment requirements, in accordance with 20 DCMR § 5705); or
- (z) 20 DCMR § 5900.10 (failure to report, investigate, or clean up spills or overfills, in accordance with 20 DCMR Chapter 62).

4008.2 In addition to §§ 4008.1, 4008.3, and 4008.4, violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR § 6000.1 (failure to provide release detection method(s) that meet the requirements of 20 DCMR § 6000);
- (b) 20 DCMR § 6000.3 (failure to comply with release detection requirements for all pressurized piping, in accordance with 20 DCMR § 6004);
- (c) 20 DCMR § 6000.5 (release detection system incapable of detecting a release from all portions of the tank and connected underground piping);
- (d) 20 DCMR § 6000.7 (failure of release detection method to meet applicable performance requirements of 20 DCMR §§ 6004 through 6013);
- (e) 20 DCMR § 6000.9 (failure of release detection method to be capable of detecting leak rate or quantity with specified probability of detection);
- (f) 20 DCMR § 6000.11 (failure to repair or replace leak detection system within 45 days in accordance with 20 DCMR Chapter 60);
- (g) 20 DCMR § 6000.13 (failure to notify Department of suspected release, in accordance with 20 DCMR Chapter 62);
- (h) 20 DCMR § 6002.1 (failure to provide release detection for a hazardous substance UST system that meets the requirements of 20 DCMR § 6002);

- (i) 20 DCMR § 6002.2 (failure of hazardous substance UST system to use secondary containment with interstitial monitoring in accord with 20 DCMR § 6011);
- (j) 20 DCMR § 6003.1 (failure to provide release detection for a petroleum UST system, in accordance with 20 DCMR § 6003);
- (k) 20 DCMR § 6003.2 (failure of release detection methods to meet requirements of 20 DCMR §§ 6005 through 6012);
- (l) 20 DCMR § 6004.2 (failure of release detection method for petroleum UST system piping to meet the requirements of 20 DCMR § 6004);
- (m) 20 DCMR § 6004.3 (failure of petroleum UST piping that conveys regulated substances under pressure to be equipped with an automatic line leak detector);
- (n) 20 DCMR § 6100.7 (failure to comply with the release detection requirements in 20 DCMR Chapter 62 when UST system is temporarily closed);
- (o) 20 DCMR § 6100.8 (failure to immediately comply with the requirements of 20 DCMR § 6100.9 and the applicable requirements of 20 DCMR Chapter 62 if a release is suspected or confirmed during the period when UST is temporarily closed);
- (p) 20 DCMR § 6101.12 (failure to begin corrective action in accordance with 20 DCMR Chapter 62 if contamination is discovered during closure assessment or by any other manner);
- (q) 20 DCMR § 6101.13 (stockpiling of contaminated soils on site or failure to properly store, treat, or dispose of soil);
- (r) 20 DCMR § 6101.14 (returning untreated contaminated soils to the excavation pit or using the soils on-site);
- (s) 20 DCMR § 6201.1 (failure to take immediate action to contain and clean up any spill or overfill of a regulated substance from an UST system);
- (t) 20 DCMR § 6201.2 (failure to immediately report to the Department and to the Fire Chief any spill or overfill where there is danger of fire or explosion);
- (u) 20 DCMR § 6201.3 (failure to immediately contain and clean up a spill or overfill of petroleum that is less than 25 gallons and to immediately notify the Department if the cleanup cannot be completed within 24 hours);

- (v) 20 DCMR § 6201.4 (failure to report to the Department within 24 hours a petroleum release that is more than 25 gallons and to begin corrective action, in accordance with the applicable provisions of 20 DCMR Chapter 62);
- (w) 20 DCMR § 6201.5 (failure to immediately report any spill or overflow of a hazardous substance to the Department, the Fire Chief, and the D.C. Homeland Security and Emergency Management Agency, immediately contain and clean up the spill or overflow, and begin corrective action in accordance with the applicable provisions of 20 DCMR Chapter 62 if the cleanup cannot be completed within 24 hours);
- (x) 20 DCMR § 6201.6 (failure to report to the National Response Center where a spill or overflow of a hazardous substance results in release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302));
- (y) 20 DCMR § 6202.1 (failure to notify the Department within 24 hours of a suspected release from an UST); or
- (z) 20 DCMR § 6202.2 (failure to notify UST owner or operator immediately and the Department within 24 hours if a release is known or if reason exists to know of or suspect a release from an UST).

4008.3 In addition to §§ 4008.1, 4008.2, and 4008.4, violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR § 6202.4 (knowingly allowing a release from an UST system to continue without undertaking repair as soon as possible);
- (b) 20 DCMR § 6202.5 (failure to timely report to the Department and to follow procedures in 20 DCMR § 6203 for any of the conditions specified);
- (c) 20 DCMR § 6202.6 (failure of a responsible party to immediately investigate a suspected release and confirm whether a release has occurred within seven days);
- (d) 20 DCMR § 6203.1 (failure to conduct systems tests in accordance with tightness testing requirements of 20 DCMR §§ 5902.7, 6004.8, and 6007 when a release is suspected);

- (e) 20 DCMR § 6203.2 (failure to repair, replace, or upgrade an UST system and begin corrective action in accordance with 20 DCMR Chapter 62 if test results indicate a release has occurred);
- (f) 20 DCMR § 6203.4 (failure to conduct a site investigation as set forth in 20 DCMR §§ 6203.5 through 6203.7 if a release exists or is suspected based on test results or on visual or analytical data of environmental contamination);
- (g) 20 DCMR § 6203.5 (failure to test for a release where contamination is most likely to be present at an UST site);
- (h) 20 DCMR § 6203.8 (failure to perform specified initial response actions upon confirmation of a release);
- (i) 20 DCMR § 6203.10 (failure to take specified initial abatement actions);
- (j) 20 DCMR § 6203.11 (failure to remedy hazards posed by excavated or exposed contaminated soils and comply with all applicable laws and regulations if remedies include treatment or disposal of soils);
- (k) 20 DCMR § 6203.13 (failure to determine whether free product is present and begin free product removal as soon as practicable, in accordance with 20 DCMR § 6204);
- (l) 20 DCMR § 6204.1 (failure to remove measurable free product to the maximum extent practicable in accordance with schedule approved by the Department);
- (m) 20 DCMR § 6204.3 (failure to remove free product in a manner that minimizes the spread of contamination by using appropriate recovery techniques);
- (n) 20 DCMR § 6204.4 (failure to recover and dispose of free product in a manner that properly treats, discharges, recycles, or disposes of recovery byproducts in compliance with all applicable laws and regulations);
- (o) 20 DCMR § 6204.6 (failure to ensure that flammable substances are handled in a manner that will prevent fire and explosion);
- (p) 20 DCMR § 6205.1 (failure to perform Comprehensive Site Assessment in the time and manner set forth in 20 DCMR § 6205);
- (q) 20 DCMR § 6205.2 (failure to submit a Comprehensive Site Assessment in a form satisfactory to the Department within 60 days of submission of a work plan);

- (r) 20 DCMR § 6206.2 (failure to comply with specified requirements before initiating a risk-based decision-making process);
- (s) 20 DCMR § 6207.1 (failure to submit a Corrective Action Plan required by Department, according to a schedule and format established by the Department);
- (t) 20 DCMR § 6207.2 (failure to submit and modify as necessary a Corrective Action Plan that provides for adequate protection of human health and the environment);
- (u) 20 DCMR § 6207.3 (failure of Corrective Action Plan to propose corrective action option as specified);
- (v) 20 DCMR § 6207.5 (failure of Corrective Action Plan to provide for proper disposal of contaminated soils and to prohibit placement of contaminated soils back into the ground);
- (w) 20 DCMR § 6207.6 (failure to prepare, prior to any site activities, a site-specific quality assurance and quality control plan that covers all actions proposed in the Corrective Action Plan and complies with guidelines of the Department);
- (x) 20 DCMR § 6207.7 (failure to prepare and submit to the Department a site-specific Health and Safety Plan that that meets the requirements of 29 CFR § 1910.120, in conjunction with the Corrective Action Plan);
- (y) 20 DCMR § 6207.9 (beginning soil and groundwater remediation prior to approval of Corrective Action Plan without meeting specified requirements for doing so); or
- (z) 20 DCMR § 6207.10 (beginning implementation of Corrective Action Plan prior to approval of plan and without meeting specified requirements for doing so).

4008.4 In addition to §§ 4008.1, 4008.2, and 4008.3, violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR § 6207.11 (failure to begin implementation of approved Corrective Action Plan within 60 days or other period approved by the Department);
- (b) 20 DCMR § 6207.14 (implementing modifications to the Corrective Action Plan which have not been approved by the Department);

- (c) 20 DCMR § 6207.15 (failure to take additional corrective action responses as required by the Department);
- (d) 20 DCMR § 6300.1 (failure to provide entry to a Department inspector);
or
- (e) 20 DCMR § 6301.3 (failure to cooperate fully with inspections, monitoring, or testing, as well as requests for document submission, testing, or monitoring).

4008.5 In addition to §§ 4008.6, 4008.7, 4008.8, 4008.9, 4008.10, and 4008.11, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 5507.4 (failure to notify the Department of an UST system with field-constructed tanks or airport hydrant system);
- (b) 20 DCMR § 5507.9 (failure to inspect an UST system with field-constructed tanks or airport hydrant system as required);
- (c) 20 DCMR § 5507.10 (failure of UST system with a field-constructed tank less than or equal to fifty thousand (50,000) gallons to meet the release detection requirements of Chapter 60);
- (d) 20 DCMR § 5507.11 (failure of UST system with a field-constructed tank greater than fifty thousand (50,000) gallons to meet specified release detection requirements);
- (e) 20 DCMR § 5507.12 (failure of UST system piping associated with a field-constructed tank or airport hydrant system to meet specified release detection requirements);
- (f) 20 DCMR § 5507.13 (failure to assess the excavation zone and properly close an UST system with field-constructed tanks or airport hydrant system that was previously closed-in-place, removed, or temporarily closed, as directed);
- (g) 20 DCMR § 5600.1 (failure to submit required UST notification);
- (h) 20 DCMR § 5600.2 (failure to file timely closure notification form following permanent closure of an UST system by removal or closure-in-place);
- (i) 20 DCMR § 5600.3 (failure to properly complete required UST notification form);
- (j) 20 DCMR § 5600.5 (failure to submit an UST facility notification for each separate UST facility);

- (k) 20 DCMR § 5600.6 (failure to sign UST notification form and certify compliance with specified requirements);
- (l) 20 DCMR § 5600.7 (failure to have specified person sign the UST facility notification form);
- (m) 20 DCMR § 5600.8 (failure to provide timely notification following discovery of previously unknown UST);
- (n) 20 DCMR § 5600.9 (failure to inform UST owner or lessee of notification requirements of 20 DCMR § 5600);
- (o) 20 DCMR § 5600.10 (failure to ensure proper certification of compliance with requirements of 20 DCMR § 5801 for upgrade or modification of UST system);
- (p) 20 DCMR § 5601.7 (depositing a regulated substance into an UST without first confirming that current registration certificate is present at facility and that facility is not on prohibited delivery list);
- (q) 20 DCMR § 5601.8 (dispensing or permitting dispensing of regulated substance from an UST that has not satisfied registration requirements);
- (r) 20 DCMR § 5603.1 (failure to provide required advance written notice of each installation, removal, closure-in-place, repair, or upgrade of an UST system);
- (s) 20 DCMR § 5603.2 (failure to provide notice of the exact time and date of the installation, removal, closure-in-place, repair, or upgrade of an UST system at least 24 hours in advance to schedule site inspection);
- (t) 20 DCMR § 5603.3 (failure to provide timely notice of emergency removal or repair to Department and Fire Chief);
- (u) 20 DCMR § 5603.4 (failure to timely submit plans, design, and specifications for installation or upgrade of an UST system in accordance with 20 DCMR § 6500);
- (v) 20 DCMR § 5603.5 (failure to obtain Department approval of plans, design, and specifications before applying for a construction permit);
- (w) 20 DCMR § 5603.7 (failure to timely provide required notice of tank tightness test to Fire Chief in cases of suspected release);

- (x) 20 DCMR § 5604.1 (failure to timely provide required notice of the existence or removal of any UST to prospective buyer of real property);
- (y) 20 DCMR § 5604.2 (failure to inform prospective buyers of commercial property of prior use of property that suggests the existence of an UST of which the seller has actual knowledge); or
- (z) 20 DCMR § 5606.3 (third party inspector having a financial interest in the facility or UST system).

4008.6 In addition to §§ 4008.5, 4008.7, 4008.8, 4008.9, 4008.10, and 4008.11, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 5700.7 (failure of each UST system located within 100 feet of a subsurface transit structure to meet the requirements of the District of Columbia Fire Prevention Code, the District of Columbia Municipal Regulations, and the National Fire Protection Association 130);
- (b) 20 DCMR § 5700.10 (failure for the owner or operator of an UST that is more than 30 years old to remove the tank from the ground in accordance with 20 DCMR Chapter 61 within five (5) years of the regulations becoming effective);
- (c) 20 DCMR § 5700.11 (failure of the owner or operator of an UST that is more than 30 years old to perform a tightness test within one (1) year of the date the regulations become effective and, in case of test failure, to remove the UST within one (1) year from the date of the test);
- (d) 20 DCMR § 5701.3 (failure to operate and maintain cathodic protection system in new petroleum UST, in accordance with 20 DCMR § 5901);
- (e) 20 DCMR § 5701.4 (failure to meet requirements for design, construction, and installation of secondary containment systems in a new petroleum UST);
- (f) 20 DCMR § 5701.5 (failure, if continuous monitoring methods are not used, to test each secondary containment system every three years to ensure the interstitial area is liquid-tight);
- (g) 20 DCMR § 5701.6 (failure to meet requirements for design, construction, and installation of double-walled tanks in a new petroleum UST);
- (h) 20 DCMR § 5701.7 (failure to meet requirements for design, construction, and installation of external liner systems (including vaults) in a new petroleum UST);

- (i) 20 DCMR § 5702.3 (failure to operate and maintain each cathodic protection system in a hazardous substance UST system, in accordance with 20 DCMR § 5901);
- (j) 20 DCMR § 5702.4 (failure to meet requirements for design, construction, and installation of double-walled tanks in a new hazardous substance UST);
- (k) 20 DCMR § 5703.3 (failure to operate and maintain each cathodic protection system in a new heating oil UST system in accordance with 20 DCMR § 5901);
- (l) 20 DCMR § 5703.4 (failure to meet requirements for design, construction, and installation of secondary containment systems in a new heating oil UST system);
- (m) 20 DCMR § 5703.5 (failure, if continuous monitoring methods are not used, to test each secondary containment system every three years to ensure the interstitial area is liquid-tight in a new heating oil UST system);
- (n) 20 DCMR § 5703.6 (failure to meet requirements for design, construction, and installation of double-walled tanks in a new heating oil UST system);
- (o) 20 DCMR § 5703.7 (failure to meet requirements for design, construction, and installation of external liner systems (including vaults) in a new heating oil UST system);
- (p) 20 DCMR § 5704.1 (failure of UST piping that is in contact with earthen materials to be designed, constructed, and protected from corrosion as specified);
- (q) 20 DCMR § 5704.4 (failure to operate and maintain cathodic protection system in UST piping, in accordance with 20 DCMR § 5901);
- (r) 20 DCMR § 5704.5 (failure to meet requirements for design and construction of secondary containment systems in UST piping as set forth in 20 DCMR § 5701.4);
- (s) 20 DCMR § 5705.3 (failure to use overfill prevention equipment that meets specified requirements);
- (t) 20 DCMR § 5705.4 (using flow restrictors in vent lines as the only method of overfill prevention when the overfill prevention is installed or replaced after the date the regulations become effective);

- (u) 20 DCMR § 5705.5 (failure to use an automatic shutoff valve to comply with 20 DCMR § 5705.3 in tanks that are susceptible to over-pressurization);
- (v) 20 DCMR § 5705.7 (failure of spill prevention equipment to have a minimum capacity of ten (10) gallons);
- (w) 20 DCMR § 5706.1 (failure to install an UST system as specified);
- (x) 20 DCMR § 5706.2 (failure to ensure that each UST installation is performed by or supervised by an UST System Technician as set forth in 20 DCMR Chapter 65);
- (y) 20 DCMR § 5706.3 (failure to complete all work listed in the manufacturer's installation checklist for each UST installation); or
- (z) 20 DCMR § 5706.4 (failure to submit a soil sampling report before installation and obtain inspection and approval by the Department prior to placement of backfill for completion of installation).

4008.7

In addition to §§ 4008.5, 4008.6, 4008.8, 4008.9, 4008.10, and 4008.11, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 5706.5 (failure to perform a tank tightness test upon installation of an UST system prior to its use);
- (b) 20 DCMR § 5801.5 (failure, if internal lining is the sole method of corrosion protection for an UST, to inspect the lining at least once a year for the conditions listed in 20 DCMR § 5801.4(a)-(c));
- (c) 20 DCMR § 5801.6 (failure to follow specified requirements for tank linings that have failed inspections);
- (d) 20 DCMR § 5802.1 (failure to cathodically protect metal piping that is in contact with earthen materials, in accordance with code of practice);
- (e) 20 DCMR § 5802.2 (failure to cathodically protect metal piping that is in contact with earthen materials, in accordance with requirements of 20 DCMR §§ 5704.3 and 5704.4);
- (f) 20 DCMR § 5802.3 (failure to replace metal piping that is in contact with earthen materials that does not meet the requirements of 20 DCMR §§ 5802.1 and 5802.2, with new piping that satisfies the requirements of 20 DCMR § 5704);

- (g) 20 DCMR § 5804.1 (failure to perform a tank tightness test as set forth in 20 DCMR § 6007 upon completion of an UST system upgrade and prior to placing the UST system in operation);
- (h) 20 DCMR § 5900.1 (failure to ensure that releases due to spilling or overfilling do not occur and to follow an approved code of practice);
- (i) 20 DCMR § 5900.2 (failure to ensure that the available tank volume is greater than the volume of product to be transferred to the tank before each transfer is made);
- (j) 20 DCMR § 5900.3 (failure to ensure that each transfer operation is monitored constantly to prevent overfilling or spilling and is performed in accordance with the UST manufacturer's specifications);
- (k) 20 DCMR § 5900.4 (failure to hold delivery nozzles open manually where product is transferred by means of pressurized delivery);
- (l) 20 DCMR § 5900.5 (failure to install a visible and audible vent alarm device where product is transferred by means of pressurized delivery);
- (m) 20 DCMR § 5900.6 (failure to discontinue delivery where vent alarm indicates an obstruction to the vent);
- (n) 20 DCMR § 5900.7 (failure to keep spill prevention equipment clean and dry);
- (o) 20 DCMR § 5900.8 (failure to ensure that all fill lines for the UST system are clearly marked to indicate the size of tank and type of regulated substance in accordance with specified methods);
- (p) 20 DCMR § 5900.9 (marking pipes or other openings in a way that could be associated with a regulated substance if they are not used for the transfer of that substance);
- (q) 20 DCMR § 5900.11(a) (failure to comply, for UST systems in use on or before the date the UST regulations become effective, with the regulations of 20 DCMR § 5900.12 through 15 no later than October 13, 2021);
- (r) 20 DCMR § 5900.11(b) (failure to comply, for UST systems brought into use after the UST regulations become effective, with the regulations of 20 DCMR § 5900.12 through 15 upon instillation);
- (s) 20 DCMR § 5900.12 (failure to test all spill prevention equipment and containment sumps once every three years for liquid tightness in accordance with 20 DCMR § 5900.14);

- (t) 20 DCMR § 5900.14 (failure to conduct liquid tightness tests in accordance with one of the criteria provided in § 5900.14);
- (u) 20 DCMR § 5900.15 (failure to inspect overfill prevention equipment at least once every three (3) years to ensure that overfill equipment will activate at the level specified in 20 DCMR § 5705.3);
- (v) 20 DCMR § 5901.1 (failure of a steel tank UST system or a steel-fiberglass-reinforced plastic composite UST system with corrosion protection to comply with requirements of 20 DCMR § 5901);
- (w) 20 DCMR § 5901.2 (failure to operate and maintain each corrosion protection system to continuously provide corrosion protection);
- (x) 20 DCMR § 5901.3 (failure to have cathodic protection system inspected by a qualified cathodic protection tester within six months of installation and every three years thereafter);
- (y) 20 DCMR § 5901.4 (failure to conduct cathodic protection testing in accordance with criteria set forth in an approved code of practice); or
- (z) 20 DCMR § 5901.5 (failure to inspect UST system with an impressed current cathodic protection system every 60 days).

4008.8 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.9, 4008.10, and 4008.11, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 5901.6 (failure to maintain specified operational records of cathodic protection for an UST system, in accordance with 20 DCMR § 5602);
- (b) 20 DCMR § 5901.7 (failure to conduct annual inspection of USTs that use internal lining as the sole method of corrosion protection in accordance with 20 DCMR § 5801.5);
- (c) 20 DCMR § 5901.8 (failure to permanently close a UST that fails the annual inspection and cannot be repaired in accordance with the closure processes of 20 DCMR § 6101);
- (d) 20 DCMR § 5902.1 (failure to ensure that repairs to an UST system are made using the proper materials and techniques and that repairs will prevent releases);
- (e) 20 DCMR § 5902.2 (failure to follow a code of practice in complying with repair or replacement requirements for an UST system);

- (f) 20 DCMR § 5902.5 (failure to replace metal pipe sections or fittings that have released a regulated substance or that constitute a threat of release, in accordance with 20 DCMR § 5704);
- (g) 20 DCMR § 5902.6 (failure to replace non-corrodible or fiberglass pipes and fittings, or flexible pipes that have released a regulated substance or that constitute a threat of release, in accordance with 20 DCMR § 5704);
- (h) 20 DCMR § 5902.7 (failure to perform a tightness test in accordance with an approved code of practice within thirty (30) days of completing a repair to secondary containment or containment sumps used for interstitial monitoring and before placing the tank back in service);
- (i) 20 DCMR § 5902.8 (failure to perform a tightness test in accordance with 20 DCMR § 6007 within 30 days of completing a repair to a tank or piping and before placing the tank back in service);
- (j) 20 DCMR § 5902.9 (failure to test the cathodic protection system in accordance with 20 DCMR §§ 5901.3 through 5901.5 within six (6) months following repair);
- (k) 20 DCMR § 5902.10 (failure to maintain repair records for ten (10) years, or for the remaining operating life of repaired UST, whichever is longer);
- (l) 20 DCMR § 5902.11 (failure to ensure that an UST system repair is carried out or supervised by a certified UST System Technician);
- (m) 20 DCMR § 5902.14 (failure to test or inspect spill or overflow equipment in accordance with 20 DCMR § 5900 within thirty (30) days of a repair);
- (n) 20 DCMR § 5903.1 (failure to use an UST system that is made of or lined with materials that are compatible with the substance stored in the UST system);
- (o) 20 DCMR § 5903.3 (failure to demonstrate compatibility between a UST system and the regulated substance it contains);
- (p) 20 DCMR § 5904.1 (failure to conduct a walkthrough inspection no later than October 13, 2021);
- (q) 20 DCMR § 5904.2 (failure to conduct walkthrough inspections every 30 days in accordance with specified requirements);
- (r) 20 DCMR § 5904.3 (failure to conduct annual walkthrough inspections in accordance with specified requirements);

- (s) 20 DCMR § 6000.4 (failure to complete closure requirements of 20 DCMR Chapter 61 when release detection method in compliance with 20 DCMR Chapter 60 cannot be applied);
- (t) 20 DCMR § 6000.12 (failure to notify Department within twenty-four (24) hours and to comply with temporary closure requirements of 20 DCMR § 6100 if release detection system is not repaired or replaced within forty-five (45) days of improper performance);
- (u) 20 DCMR § 6000.14 (failure to operate and maintain the release detection system and test electronic and mechanical components in accordance with approved criteria);
- (v) 20 DCMR § 6002.3 (failure to check secondary containment systems for evidence of a release at least every thirty (30) days);
- (w) 20 DCMR § 6002.4 (failure to test the secondary containment system every three (3) years to ensure the interstitial area is liquid-tight, or to use continuous monitoring methods);
- (x) 20 DCMR § 6003.3 (failure to monitor tanks for releases at least once every thirty (30) days using specified methods);
- (y) 20 DCMR § 6003.6 (failure of owner or operator of a petroleum UST, excepting those exempted, to check for evidence of a release at least once every thirty (30) days using interstitial monitoring); or
- (z) 20 DCMR § 6003.7 (failure to test the secondary containment system every three (3) years to ensure the interstitial area is liquid-tight, or to use continuous monitoring methods).

4008.9 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.8, 4008.10, and 4008.11, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 6004.1 (failure to regularly monitor petroleum UST system underground piping, in accordance with 20 DCMR § 6004);
- (b) 20 DCMR § 6004.4 (failure to use automatic line leak detectors that meet specified standards);
- (c) 20 DCMR § 6004.5 (failure to annually test for the proper operation of the automatic line leak detector in accordance with the manufacturer's instructions);

- (d) 20 DCMR § 6004.6 (failure to perform an annual line tightness test for underground piping that conveys regulated substances under pressure, in accordance with 20 DCMR § 6004.8, or to conduct monthly monitoring of piping, in accordance with 20 DCMR § 6004.10);
- (e) 20 DCMR § 6004.7 (failure to perform a line tightness test every three (3) years for underground piping that conveys regulated substances under suction, in accordance with 20 DCMR § 6004.8, or to conduct monthly monitoring of piping, in accordance with 20 DCMR § 6004.10);
- (f) 20 DCMR § 6004.11 (failure to check secondary containment systems on underground piping installed or replaced after February 8, 2007, for evidence of a release at least every thirty (30) days using interstitial monitoring);
- (g) 20 DCMR § 6005.3 (failure to conduct product inventory control monthly in specified manner);
- (h) 20 DCMR § 6006.1 (failure to conduct manual tank gauging in accordance with 20 DCMR § 6006);
- (i) 20 DCMR § 6006.6 (failure to follow requirements of 20 DCMR Chapter 62 for a suspected release following a specified variation in liquid level measurements);
- (j) 20 DCMR § 6013.6 (failure to comply with any conditions imposed by the Department upon approval of an alternative release detection method);
- (k) 20 DCMR § 6100.2 (failure to comply with the requirements of 20 DCMR § 6100 when an UST system is temporarily closed);
- (l) 20 DCMR § 6100.6 (failure to empty UST of product in accordance with 20 DCMR § 6100.9 during temporary closure of UST system);
- (m) 20 DCMR § 6100.7 (failure to comply with release detection requirements in accordance with 20 DCMR Chapter 60 during temporary closure of UST system);
- (n) 20 DCMR § 6100.9(a)-(c) (failure to empty UST system, open vent lines, and cap and secure all other lines, pumps, manways and ancillary equipment within ninety (90) days after an UST system is temporarily closed);
- (o) 20 DCMR § 6100.9(d) (failure to submit required contractor certification form within seven (7) days after completing requirements for temporary closure of an UST system);

- (p) 20 DCMR § 6101.1 (failure to comply with 20 DCMR § 6101 when an UST system is permanently closed or undergoes a change-in-service);
- (q) 20 DCMR § 6101.2 (failure to submit UST activity notification form no less than two (2) weeks before beginning a permanent closure or a change-in-service);
- (r) 20 DCMR § 6101.4 (failure to properly empty and clean the tank prior to each change-in-service);
- (s) 20 DCMR § 6101.5 (failure to properly empty and clean UST system prior to removing it from the ground);
- (t) 20 DCMR § 6101.6 (failure to remove from the ground an UST system that is to be closed permanently, unless the Department grants a variance pursuant to 20 DCMR § 6101.7);
- (u) 20 DCMR § 6101.9 (failure to empty, clean, and fill tank with an inert solid material and comply with 20 DCMR § 5500.05 when a tank removal variance is granted);
- (v) 20 DCMR § 6101.10 (failure to conduct a closure assessment of the excavation zone prior to permanent closure or a change-of-service of an UST system);
- (w) 20 DCMR § 6101.11 (failure to consider specified factors when selecting sample types, sample locations, and measurement methods for the closure assessment and to comply with other requirements of the Department for number of samples or location of borings or wells);
- (x) 20 DCMR § 6101.15 (failure to evaluate the excavation zone in accordance with specified requirements in the case of a release of a regulated substance);
- (y) 20 DCMR § 6101.16 (failure to submit a closure assessment report, including a closure notification form, within thirty (30) days after completing the permanent closure or change-in-service); or
- (z) 20 DCMR § 6102 (failure to assess the excavation zone and properly close an UST system that was previously closed-in-place, removed, or temporarily closed, as directed).

4008.10 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.8, 4008.9, and 4008.11, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 6202.3 (failure to include required information in notification of release or suspected release);
- (b) 20 DCMR § 6203.6 (failure to consider appropriate selection factors and to comply with Departmental directives and protocols for sample types, sample locations, and measurement methods);
- (c) 20 DCMR § 6203.12 (failure to conduct initial site assessment to evaluate on-site conditions in accordance with specified requirements and any applicable protocols of the Department);
- (d) 20 DCMR § 6205.4 (failure to conduct site assessment activities in accordance with an appropriate health and safety plan and make plan available for inspection);
- (e) 20 DCMR § 6207.12 (failure to provide the Department with an opportunity to inspect the site at its request prior to implementation of the Corrective Action Plan);
- (f) 20 DCMR § 6210.8 (failure to remove all equipment, drums, and waste and ensure that all wells are properly abandoned within six (6) months following notice of no further action or case closure);
- (g) 20 DCMR § 6301.4 (failure to submit records, documents, or other information within twenty (20) days of a request, or other time frame specified by the Department);
- (h) 20 DCMR § 6500.1 (failure of any individual who performs UST system activities in the District to be a certified or to be supervised on-site by a certified individual);
- (i) 20 DCMR § 6500.2 (failure of individual performing or supervising UST installation, upgrade, retrofit, or repair to be a certified UST System Technician);
- (j) 20 DCMR § 6500.3 (failure of individual performing or supervising UST system closure-in-place or removal to be a certified UST System Technician or UST Closure Specialist);
- (k) 20 DCMR § 6500.4 (failure of individual performing a tightness test to be a certified UST System Tester);
- (l) 20 DCMR § 6500.5 (failure of an UST system owner or operator to ensure that any UST system activity is performed by, or is subject to the continuous on-site supervision of, a person certified to perform or supervise the activity under 20 DCMR Chapter 65);

- (m) 20 DCMR § 6500.7 (failure of a business that performs UST system activities in the District to be licensed by the Department and to employ individuals certified to perform each of the UST system activities for which the business is licensed);
- (n) 20 DCMR § 6500.9 (transferring an UST system certification or license);
- (o) 20 DCMR § 6502.1 (failure to designate at least one Class A, one Class B, and one Class C operator for each active UST facility);
- (p) 20 DCMR § 6502.2 (dispensing or storing a regulated substance when Class A, B, and C operators have not been designated and trained as required by 20 DCMR §§ 6502 and 6503);
- (q) 20 DCMR § 6502.6 (failure of trained operators to be readily available to respond to suspected or confirmed releases, other unusual operating conditions, emergencies, or equipment failures);
- (r) 20 DCMR § 6502.7 (failure to prominently display at the facility emergency contact information and emergency procedures for users of unmanned facilities);
- (s) 20 DCMR § 6503.1 (failure to ensure that all operators receive required training and retraining);
- (t) 20 DCMR § 6503.2 (failure of Class A and Class B operators for a petroleum UST system to complete required re-training within thirty (30) days of being notified that an UST system is out of compliance);
- (u) 20 DCMR § 6503.3 (failure of Class A operator to complete required training);
- (v) 20 DCMR § 6503.4 (failure of Class B operator to complete required training);
- (w) 20 DCMR § 6503.5 (failure of Class C operator to complete required training);
- (x) 20 DCMR § 6503.7 (failure to train a replacement Class A or B operator within thirty (30) days of the operator assuming duties);
- (y) 20 DCMR § 6503.8 (failure to train Class C operators prior to assuming duties as a Class C operator); or

- (z) 20 DCMR § 6503.9 (failure of training providers to obtain written approval from the Department prior to delivering training courses for Class A, B, and C operators).

4008.11 In addition to §§ 4008.5, 4008.6, 4008.7, 4008.8, 4008.9, 4008.10, and 4008.12, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 6503.10 (failure to maintain documentation that designated Class A, B, and C operators have received the required training and retraining for as long as they remain designated);
- (b) 20 DCMR § 6700.8 (failure to immediately file a certification of financial responsibility for an existing UST in accordance with 20 DCMR § 5500.4);
- (c) 20 DCMR § 6700.9 (failure to file a certification of financial responsibility with the Department within thirty (30) days after installation of a new UST or changing the substance stored to petroleum);
- (d) 20 DCMR § 6700.10 (failure to demonstrate minimum required per-occurrence amount of financial responsibility for specified petroleum USTs);
- (e) 20 DCMR § 6700.11 (failure to demonstrate minimum required per-occurrence amount of financial responsibility for petroleum USTs not covered by 20 DCMR § 6700.10);
- (f) 20 DCMR § 6700.12 (failure to demonstrate minimum required annual aggregate amount of financial responsibility);
- (g) 20 DCMR § 6700.16 (failure to meet new financial responsibility requirements on anniversary of effective date of financial responsibility mechanism, following acquisition or installation of additional USTs);
- (h) 20 DCMR § 6701.1 (failure to utilize mechanism(s) listed in 20 DCMR §§ 6703 through 6710 to demonstrate financial responsibility);
- (i) 20 DCMR § 6701.6 (failure to obtain alternate assurance of financial responsibility within thirty (30) days after the owner receives notice of any condition set forth in 20 DCMR § 6701.6(a)-(d));
- (j) 20 DCMR § 6701.7 (failure to update certification of financial responsibility within thirty (30) days of change in financial assurance mechanism);

- (k) 20 DCMR § 6702.8 (failure to submit current evidence of financial responsibility within thirty (30) days after identifying an UST release required to be reported under 20 DCMR § 6201 or § 6202);
- (l) 20 DCMR § 6702.9 (failure to submit current evidence of financial responsibility within thirty (30) days after receiving notice of the incapacity of a provider of assurance under 20 DCMR § 6701.6);
- (m) 20 DCMR § 6702.10 (failure to submit evidence of financial assurance or other relevant information as required by the Department);
- (n) 20 DCMR § 6703.4 (failure to obtain alternative assurance within specified time period when no longer meeting requirements of financial tests of self-insurance set forth in 20 DCMR §§ 6704 or 6705);
- (o) 20 DCMR § 6703.5 (failure to provide reports of financial condition as required by Department or failure to timely obtain alternate assurance following notification by Department);
- (p) 20 DCMR § 6703.6 (failure to notify the Department of the failure to timely obtain alternate assurance as required under 20 DCMR §§ 6703.4 or 6703.5);
- (q) 20 DCMR § 6706.1 (failure to comply with criteria in 20 DCMR § 6706 when obtaining a guarantee to meet financial responsibility requirements of 20 DCMR § 6700);
- (r) 20 DCMR § 6707.1 (failure to comply with requirements of 20 DCMR § 6707 when obtaining liability insurance to meet financial responsibility requirements of 20 DCMR § 6700);
- (s) 20 DCMR § 6708.1 (failure to comply with requirements of 20 DCMR § 6708 when obtaining a surety or performance bond to meet financial responsibility requirements of 20 DCMR § 6700);
- (t) 20 DCMR § 6709.1 (failure to comply with requirements of 20 DCMR § 6709 when obtaining a letter of credit to meet financial responsibility requirements of 20 DCMR § 6700);
- (u) 20 DCMR § 6710.1 (failure to comply with requirements of 20 DCMR § 6710 when establishing a trust fund to meet financial responsibility requirements of 20 DCMR § 6700);
- (v) 20 DCMR § 6714.4 (failure to send a copy of each notice of cancellation or termination of financial assurance to the Department in accordance with 20 DCMR § 5500.4 at the same time that notice is sent to the owner);

- (w) 20 DCMR § 6714.5 (failure to obtain alternative financial assurance coverage within sixty (60) days after receipt of notice of cancellation or non-renewal of financial assurance);
- (x) 20 DCMR § 6714.6 (failure to submit notification and required information following the failure to obtain alternate coverage within sixty (60) days after receipt of a notice of termination);
- (y) 20 DCMR § 6715.1 (failure to provide proper and timely notification of commencement of bankruptcy proceedings and to submit appropriate forms listed in 20 DCMR §§ 6702.4 through 6702.7 documenting financial responsibility); or
- (z) 20 DCMR § 6715.5 (failure to provide notification of failure to obtain alternate coverage within 30 days after notification of bankruptcy or incapacity).

4008.12 In addition to §§ 4008.13, 4008.14, 4008.15, and 4008.16, violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 5502.3 (failure to maintain records demonstrating compliance for systems exempted from corrosion protection requirements);
- (b) 20 DCMR § 5601.1 (failure to register an UST in accordance with 20 DCMR § 5601);
- (c) 20 DCMR § 5601.5 (failure to renew the registration for each UST before November 30 of each calendar year);
- (d) 20 DCMR § 5601.10 (failure of seller of UST to provide required notifications);
- (e) 20 DCMR § 5602.2 (failure to provide information under 20 DCMR §§ 5602.1(b), (c), (d), and (f), 6204.7, and 6205.3 to the District Fire Chief);
- (f) 20 DCMR § 5602.3 (failure to maintain specified records and information at the UST facility);
- (g) 20 DCMR § 5602.4 (failure to maintain specified records for required period and have records immediately available for inspection);
- (h) 20 DCMR § 5602.5 (failure to keep records required under 20 DCMR § 5602.3(d) either at the UST location or at another location where the records can be viewed by a person in the District);

- (i) 20 DCMR § 5602.6 (failure to deliver permanent closure records that cannot be kept at the facility or an alternative location in the District to the Department);
- (j) 20 DCMR § 5602.7 (failure to maintain records for required period);
- (k) 20 DCMR § 5603.6 (failure to provide notice at least twenty-four hours in advance of the time and date of any tank tightness test);
- (l) 20 DCMR § 5706.6 (failure to ensure that UST System Technician completes certification of compliance on UST notification form);
- (m) 20 DCMR § 5801.1 (failure to upgrade steel tanks in accordance with an approved code of practice);
- (n) 20 DCMR § 5801.2 (failure to submit plans and obtain approval from the Department before upgrading an existing tank to stage I vapor recovery);
- (o) 20 DCMR § 5801.3 (failure to comply with specified requirements for upgrading an UST by internal lining);
- (p) 20 DCMR § 5801.4 (failure to inspect the interior of a lined tank within ten (10) years after lining or every five (5) years thereafter, in order to ensure the lining is structurally sound, free of corrosion holes, and performing in accordance with original design specifications);
- (q) 20 DCMR § 5801.7 (upgrading a tank by cathodic protection without meeting the requirements of 20 DCMR §§ 5701.2 and 5701.3, and without following specified methods for ensuring the integrity of the tank);
- (r) 20 DCMR § 5801.8 (upgrading a tank by both internal lining and cathodic protection without meeting the requirements of 20 DCMR §§ 5902, 5701.2, and 5701.3);
- (s) 20 DCMR § 5902.12 (failure to ensure that certified UST System Technician completes certification of compliance on UST notification form);
- (t) 20 DCMR § 5903.2 (failure to notify the Department at least thirty (30) days prior to changing the product stored in a UST to a regulated substance containing greater than 10% ethanol or greater than 20% biodiesel);
- (u) 20 DCMR § 5903.4 (failure to maintain records of compliance with 20 DCMR §§ 5903.2 and 5903.3 when storing regulated substances);

- (v) 20 DCMR § 5904.6 (failure to prepare required records following a walkthrough inspection);
- (w) 20 DCMR § 5904.7 (failure to maintain records of walkthrough inspections for ten (10) years);
- (x) 20 DCMR § 6000.6 (failure to install, calibrate, operate, and maintain each release detection system in accordance with the manufacturer's instructions);
- (y) 20 DCMR § 6000.8 (failure to provide written performance claims before installing a release detection system); or
- (z) 20 DCMR § 6001.1 (failure to properly maintain records demonstrating compliance with 20 DCMR Chapter 60).

4008.13 In addition to §§ 4008.12, 4008.14, 4008.15, and 4008.16, violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 6001.2 (failure to maintain for at least ten (10) years written performance claims for release detection systems);
- (b) 20 DCMR § 6001.3 (failure to maintain for at least ten (10) years the results of any sampling, testing, or monitoring conducted under 20 DCMR Chapter 60);
- (c) 20 DCMR § 6001.4 (failure to retain results of tank tightness testing until the next test of the UST system);
- (d) 20 DCMR § 6001.5 (failure to maintain written documentation of all calibration, maintenance, and repair of release detection equipment for at least three (3) years);
- (e) 20 DCMR § 6001.6 (failure to retain for at least ten (10) years all schedules of required calibration and maintenance provided by the release detection equipment manufacturer);
- (f) 20 DCMR § 6001.7 (failure, after October 13, 2021, of an owner or operator using groundwater or vapor monitoring to maintain records signed by a qualified professional of site assessments conducted pursuant to 20 DCMR §§ 6009.7 or 6010.7);
- (g) 20 DCMR § 6005.3 (failure to conduct product inventory control monthly in the manner specified in 20 DCMR § 6005.3(a)-(e));
- (h) 20 DCMR § 6006.3 (failure to conduct manual tank gauging weekly);

- (i) 20 DCMR § 6006.4 (failure to properly take tank liquid level measurements and record measurements on approved form);
- (j) 20 DCMR § 6006.5 (failure to use proper manual tank gauging equipment);
- (k) 20 DCMR § 6007.3 (failure to use a tank tightness test that meets specified requirements);
- (l) 20 DCMR § 6008.1 (failure to use automatic tank gauging equipment that meets requirements of 20 DCMR § 6008);
- (m) 20 DCMR § 6008.2 (failure to ensure proper installation of tank-gauging probe);
- (n) 20 DCMR § 6008.3 (failure to use automatic product level monitor test that meets specified requirements);
- (o) 20 DCMR § 6008.4 (failure to install tanks horizontally without tank tilt if automatic tank gauging is used);
- (p) 20 DCMR § 6008.5 (failure to inspect automatic tank gauging system at least every thirty (30) days);
- (q) 20 DCMR § 6008.6 (failure of automatic tank gauging equipment to meet the inventory control requirements of 20 DCMR § 6005.3);
- (r) 20 DCMR § 6008.7 (failure of the owner or operator to test for loss of product using one of the provided modes);
- (s) 20 DCMR § 6009.2 (failure to use proper backfill materials);
- (t) 20 DCMR § 6009.3 (failure of stored regulated substance or tracer compound to have sufficient volatility);
- (u) 20 DCMR § 6009.4 (vapor measurement rendered inoperative or less effective due to ground water, rainfall, soil moisture, or other known interference);
- (v) 20 DCMR § 6009.5 (background contamination in the excavation zone interfering with the vapor monitoring method);
- (w) 20 DCMR § 6009.6 (failure to use vapor monitor that is properly designed and operated);

- (x) 20 DCMR § 6009.7 (failure to assess the excavation zone as required before using vapor monitoring);
- (y) 20 DCMR § 6009.8 (failure to clearly and properly mark and secure monitoring wells); or
- (z) 20 DCMR § 6010.1 (failure to test and monitor for regulated substances in the ground water or in the tank excavation zone in accordance with 20 DCMR § 6010).

4008.14 In addition to §§ 4008.12, 4008.13, 4008.15, and 4008.16, violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 6010.2 (failure of the regulated substance stored to be immiscible in water and have a specific gravity of less than one);
- (b) 20 DCMR § 6010.3 (ground water more than twenty (20) feet from the ground surface or hydraulic conductivity of the soils less than 0.01 cm/sec if testing or monitoring for regulated substances in ground water);
- (c) 20 DCMR § 6010.4 (failure to design slotted portion of monitoring well casing to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well);
- (d) 20 DCMR § 6010.5 (failure to seal monitoring wells from the ground surface to the top of the filter pack);
- (e) 20 DCMR § 6010.6 (failure of monitoring wells or devices to intercept the excavation zone or be as close to the excavation zone as is technically feasible);
- (f) 20 DCMR § 6010.7 (failure to assess the excavation zone as required before using ground-water monitoring);
- (g) 20 DCMR § 6010.8 (failure to use continuous monitoring devices or manual methods capable of detecting at least one eighth (1/8) inch of free regulated substance);
- (h) 20 DCMR § 6010.9 (failure to clearly mark and secure each monitoring well to avoid unauthorized access or tampering);
- (i) 20 DCMR § 6011.2 (failure of an owner or operator of a UST system installed or replaced after February 8, 2007 to check for a release at least once every 30 days using interstitial monitoring);

- (j) 20 DCMR § 6011.3 (failure to install a interstitial monitoring system that can detect a leak from any portion of the tank or piping system that routinely carries a regulated substance);
- (k) 20 DCMR § 6011.4 (failure to properly maintain the vacuum in vacuum monitoring,);
- (l) 20 DCMR § 6011.5 (failure to follow the requirements of 20 DCMR Chapter 62 if vacuum falls below five (5) inches of mercury);
- (m) 20 DCMR § 6011.6 (failure to gain prior Department approval before re-instituting a vacuum more frequently than once every three (3) months);
- (n) 20 DCMR § 6011.7 (failure to use sampling or testing method for a double-walled UST system capable of detecting a release through the inner wall);
- (o) 20 DCMR § 6011.8 (failure to use an automated device capable of detecting a release between the inner wall and the internally fitted liner and to use a liner that is compatible with the substance stored);
- (p) 20 DCMR § 6011.9 (failure of secondary barrier within the excavation zone to meet specified requirements);
- (q) 20 DCMR § 6011.10 (failure to use sampling or testing method capable of detecting a release between the UST system and the secondary barrier within the excavation zone);
- (r) 20 DCMR § 6011.11 (use of testing or sampling method that is rendered inoperative or less effective due to ground water, rainfall, soil moisture, or other known interference);
- (s) 20 DCMR § 6011.12 (failure to assess the site for an UST system with a secondary barrier within the excavation zone to ensure that the secondary barrier is always above the groundwater and not in a twenty-five (25) year flood plain);
- (t) 20 DCMR § 6011.13 (failure to clearly mark and secure monitoring wells for each UST system with a secondary barrier within the excavation zone to avoid unauthorized access or tampering);
- (u) 20 DCMR § 6011.15 (failure to repair, upgrade, or close a leaking inner or outer tank wall or liner as specified in 20 DCMR § 6203);
- (v) 20 DCMR § 6012.2 (failure to conduct monthly statistical inventory reconciliation in accordance with 20 DCMR § 6012.2(a)-(c));

- (w) 20 DCMR § 6012.3 (failure to verify the accuracy of a statistical inventory reconciliation method in accordance with 20 DCMR §§ 6012.2 and 6000.9);
- (x) 20 DCMR § 6012.4 (failure to obtain independent third party certification that a statistical inventory reconciliation method is accurate and maintain evaluation records for ten (10) years);
- (y) 20 DCMR § 6100.5 (failure to submit temporary closure notification form at least thirty (30) days before an UST system is temporarily closed); or
- (z) 20 DCMR § 6100.10 (failure to permanently close an UST system in accordance with 20 DCMR § 6101 after an UST system has been temporarily closed for twelve (12) months).

4008.15 In addition to §§ 4008.12, 4008.13, 4008.14, and 4008.16, violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 6103.1 (failure to maintain records of compliance with closure requirements in accordance with 20 DCMR § 5602);
- (b) 20 DCMR § 6103.2 (failure to properly maintain closure assessment results for at least ten (10) years after completion of permanent closure or change-in-service);
- (c) 20 DCMR § 6103.3 (failure to deliver records demonstrating compliance with 20 DCMR Chapter 61 to the Department after ten (10) years);
- (d) 20 DCMR § 6203.14 (failure to submit initial site assessment report and any applicable monthly status report within sixty (60) days after release confirmation, or failure to submit a work plan for future site activities);
- (e) 20 DCMR § 6204.7 (failure to prepare and submit a status report on the removal of any free product in accordance with 20 DCMR § 5500.4);
- (f) 20 DCMR § 6204.8 (failure to submit a status report within sixty (60) days of release confirmation and then once every quarter until the Department determines the free product removal is complete);
- (g) 20 DCMR § 6207.13 (failure to monitor, evaluate, and timely report the results of corrective action plan implementation);
- (h) 20 DCMR § 6207.16 (failure to evaluate the effectiveness of the corrective action plan at the end of each year of implementation);

- (i) 20 DCMR § 6210.2 (failure to maintain for at least three (3) years all records and reports documenting the transport and disposal of wastes generated at an UST site while the corrective action plan is being carried out);
- (j) 20 DCMR § 6500.6 (failure of certified UST System Technician, Closure Specialist, or Tester to carry and make available for inspection the identification card or certificate issued by the Department at all times while conducting the applicable UST activity);
- (k) 20 DCMR § 6500.8 (failure of business certified to perform UST system activities to provide list of employees who are not certified but who perform supervised on-site UST activities);
- (l) 20 DCMR § 6500.10 (failure to surrender certification or license to the Department within ten (10) business days after close or termination of a business);
- (m) 20 DCMR § 6502.3 (failure of a Class A operator to meet all requirements or duties, as provided under 20 DCMR § 6502.3(a)-(c));
- (n) 20 DCMR § 6502.4 (failure of a Class B operator to meet all requirements or duties, as provided under § 6502.4(a)-(c));
- (o) 20 DCMR § 6502.5 (failure of a Class C operator to meet all requirements or duties, as provided under § 6502.5(a)-(c));
- (p) 20 DCMR § 6502.9 (failure to maintain required list of designated operators);
- (q) 20 DCMR § 6502.10 (failure to keep a copy of the requisite documentation on site and available for inspection at the UST facility);
- (r) 20 DCMR § 6502.11 (failure to conspicuously post Class C operator and owner contact information at unstaffed facilities);
- (s) 20 DCMR § 6702.1 (failure to maintain a copy of each financial assurance mechanism until released from financial responsibility requirements under 20 DCMR § 6700.5 or § 6700.6);
- (t) 20 DCMR § 6702.2 (failure to make available to the Department upon request, records of financial assurance maintained off-site);
- (u) 20 DCMR § 6702.3 (failure to maintain a copy of the appropriate assurance instrument in the prescribed form);

- (v) 20 DCMR § 6702.4 (failure to maintain a copy of chief financial officer's letter of assurance when using a financial test of self-insurance or guarantee);
- (w) 20 DCMR § 6702.5 (failure to maintain a copy of signed standby trust fund agreement when using a guarantee, surety bond, or letter of credit);
- (x) 20 DCMR § 6702.6 (failure to maintain a copy of signed insurance policy or risk retention group coverage policy and endorsement or certificate or insurance);
- (y) 20 DCMR § 6702.7 (failure to maintain copy of certification of financial responsibility in prescribed form); or
- (z) 20 DCMR § 6706.4 (failure to properly demonstrate to the owner within one hundred twenty (120) days after the close of each financial reporting year that the guarantor meets the financial test criteria of 20 DCMR §§ 6704 or 6705).

4008.16 In addition to §§ 4008.12, 4008.13, 4008.14, and 4008.15, violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 6706.5 (failure to timely notify the owner by certified mail before cancellation or non-renewal of the guarantee if the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year);
- (b) 20 DCMR § 6706.6 (failure to timely notify owner by certified mail if guarantor no longer meets the requirements of the financial test of §§ 6704 or 6705 or 6703.3);
- (c) 20 DCMR § 6711.1 (failure of an owner using any of the financial responsibility mechanisms authorized under 20 DCMR §§ 6706, 6708, or 6709 to establish a standby trust fund when the mechanism is acquired);
- (d) 20 DCMR § 6711.2 (failure of a standby trust fund to have trustee with authority to act as a trustee and whose trust operations are regulated and examined by an agency of the federal government or the District of Columbia);
- (e) 20 DCMR § 6711.3 (failure of standby trust agreement or trust agreement to be in the prescribed form and accompanied by certification of acknowledgement in the prescribed form);
- (f) 20 DCMR § 6712.1 (failure to place funds in standby trust as required by the Department);

- (g) 20 DCMR § 6712.2 (failure to place funds in standby trust as required by the Department);
- (h) 20 DCMR § 6713.1 (failure to timely replenish the value of financial assurance or acquire another financial assurance mechanism if amount in a standby trust is reduced below full amount of coverage required);
- (i) 20 DCMR § 6714.2 (termination of guarantee, surety bond, or letter of credit prior to one hundred twenty (120) days following owner's receipt of notice of termination);
- (j) 20 DCMR § 6714.3 (termination of insurance or risk retention group coverage prior to sixty (60) days following owner's receipt of notice of termination or, in the case of non-payment of premiums or misrepresentation, prior to ten (10) days following owner or operator's receipt of notice of termination); or
- (k) 20 DCMR § 6715.2 (failure of guarantor to provide proper and timely notification to owner of bankruptcy proceeding as required under terms of the guarantee specified in 20 DCMR § 6706).

4008.17 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 20 DCMR § 5601.6 (failure to post a copy of the current UST registration certificate in a visible location at the facility at all times); or
- (b) Violation of any provision of the District of Columbia Underground Tank Management Act of 1990, effective March 8, 1991, as amended (D.C. Law 8-242; D.C. Official Code §§ 8-113.01 to 8-113.12), or the District of Columbia Underground Storage Tank Regulations, 20 DCMR Chapters 55-67, which is not cited elsewhere in this section, shall be a Class 4 infraction.

All persons desiring to comment on the proposed regulations should file comments in writing no later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should identify the commenter and be clearly marked "DOEE Underground Storage Tank Infractions Proposed Rule Comments." Comments may be (1) mailed or hand-delivered to DOEE, 1200 First Street, N.E., 5th Floor, Washington, D.C. 20002, Attention: DOEE Underground Storage Tank Infractions Regulations, or (2) sent by e-mail to ust.doe@dc.gov, with the subject indicated as "DOEE Underground Storage Tank Infractions Proposed Rule Comments."

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Energy Performance Benchmarking of Privately-Owned Buildings**

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.* (2013 Repl. & 2019 Supp.)); Section 4 of the Green Building Act of 2006 (GBA), effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03 (2012 Repl. & 2019 Supp.)), as amended by Section 302 of the CleanEnergy DC Omnibus Amendment Act of 2018 (CEDC Act), effective March 22, 2019 (D.C. Law 22-257; 66 DCR 3973 (April 5, 2019)); Mayor's Order 2010-1, dated January 5, 2010, hereby gives notice of the intent to amend Section 3511 (Exemptions from Green Building Act Requirements), Section 3512 (Expedited Permit Review), Section 3513 (Energy Performance Benchmarking of Privately-Owned Buildings), and Section 3599 (Definitions), and add Section 3514 (Performance Benchmarking Requirements), Section 3515 (Performance Benchmarking Data Verification), and Section 3516 (Performance Benchmarking Penalties And Enforcement), of Chapter 35 (Green Building Requirements) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

Summary

These proposed rules amend the existing rules for benchmarking of privately-owned buildings as required by the Green Building Act of 2006 and its amendments. To date, over 1,500 privately-owned buildings have reported their energy performance to DOEE using the U.S. Environmental Protection Agency's (U.S. EPA) ENERGY STAR Portfolio Manager® benchmarking tool (Portfolio Manager). The proposed amendments address changes in District law and to Portfolio Manager, and clarify and streamline the benchmarking process.

These proposed regulations incorporate updates from The Sustainable DC Omnibus Amendment Act of 2014 (SDC Act). For example, they incorporate the use of aggregated utility data in benchmarking reporting requirements; requiring a building owner to benchmark using whole-building utility data for each particular utility; clarifying that a seller must provide a buyer with information necessary for the buyer to timely report required benchmarking data for the full reporting year in which the transfer occurred and failure to do so may be subject to fines; and clarifying that properties are no longer exempt from reporting due to transfer of ownership. These changes are reflected in §§ 3514.4, 3514.1(c)(4), and 3514.3(b) respectively.

The proposed regulations also incorporate updates from The CleanEnergy DC Omnibus Act of 2018. These include lowering the size threshold of buildings required to benchmark to 25,000 square feet effective starting in 2021, and to 10,000 square feet effective starting in 2024 (§ 3513.2), and adding requirements for a building owner to obtain third-party data verification of benchmarking data every three years from a DOEE-approved third-party verifier (§ 3515).

In addition, the proposed regulations address changes in Portfolio Manager and its reporting requirements. In 2017, U.S. EPA released its Water Score for Multifamily buildings. DOEE is

clarifying when and how a building owner should benchmark physically separate buildings that share a common water and/or energy meter (§ 3513.2).

The regulations have been updated to clarify that “benchmark scores” refer to the Portfolio Manager energy performance score. The District Benchmark Results and Compliance Report must now include complete and accurate values for all property use attributes and energy and water consumption entered into Portfolio Manager. It may not include default, estimated, or temporary values unless a reasonable explanation is provided. The Report must also include the DC Real Property Unique Identifier, defined and provided by DOEE; the name and contact information for the building owner/operator; and confirmation that a building owner has run all automated data quality checker functions prior to submission (§ 3514.1). The amendments also clarify that a building owner is not required to request any data from individual residential residents (§3514.3(c)).

Certain spaces may now be exempted from benchmarking if U.S. EPA allows such an exemption for purposes of ENERGY STAR certification (§ 3513.2(a)).

The proposed regulations also clarify the violations and enforcement process (§ 3516) and provide clarification that applications for exemption from benchmarking requirements need not be approved by the Green Building Advisory Council (§ 3511.7).

Chapter 35, GREEN BUILDING REQUIREMENTS, of Title 20 DCMR, ENVIRONMENT, is amended as follows:

Section 3511, EXEMPTIONS FROM GREEN BUILDING ACT REQUIREMENTS, is amended as follows:

Subsection 3511.1 is amended by striking the phrase “District Department of the Environment (DDOE)” and inserting “Department of Energy and Environment (DOEE)” in its place.

Subsection 3511.7 is amended to read as follows:

3511.7 Except for an application for an exemption from energy performance benchmarking requirements, an application for exemption under this section shall be submitted through DOEE to the Green Building Advisory Council (GBAC) for comments and recommendations.

Section 3512, EXPEDITED PERMIT REVIEW, is amended as follows:

Subsection 3512.2 is amended by striking the term “DDOE” and inserting the term “DOEE” in its place.

Section 3513, ENERGY PERFORMANCE BENCHMARKING OF PRIVATELY-OWNED BUILDINGS, is amended to read as follows:

3513 PERFORMANCE BENCHMARKING OF PRIVATELY-OWNED BUILDINGS APPLICABILITY

3513.1 Pursuant to D.C. Official Code § 6-1451.03, by April 1 of every year, an owner of a privately-owned building of a building type for which ENERGY STAR® tools are available shall measure the annual performance of the building using the U.S. Environmental Protection Agency (U.S. EPA) ENERGY STAR® Portfolio Manager (Portfolio Manager) benchmarking tool.

3513.2 The requirement described in § 3513.1 shall apply as of:

- (a) January 1, 2010, for a building with over 200,000 square feet (200,000 sq. ft.) of gross floor area;
- (b) January 1, 2011, for a building with over 150,000 square feet (150,000 sq. ft.) of gross floor area;
- (c) January 1, 2012, for a building with over 100,000 square feet (100,000 sq. ft.) of gross floor area;
- (d) January 1, 2013, for a building with over 50,000 square feet (50,000 sq. ft.) of gross floor area;
- (e) January 1, 2021, for a building with 25,000 square feet (25,000 sq. ft.) of gross floor area, or more; and
- (f) January 1, 2024, for a building with 10,000 square feet (10,000 sq. ft.) of gross floor area, or more.

3513.3 When determining the size of a building for the application of § 3513.2, a building owner shall:

- (a) Calculate the gross floor area of a building less any parking or secondary spaces, using the U.S. EPA ENERGY STAR® Portfolio Manager benchmarking tool;
- (b) Include the gross floor area of any structure that shares building systems or at least one common energy or water meter.

3513.4 All notifications regarding privately-owned building benchmarking required to be provided to the Department shall be made by contacting the Department's Energy Benchmarking Program.

A new Section 3514, PERFORMANCE BENCHMARKING REQUIREMENTS, is added to read as follows:

- 3514.1 According to the schedule described in § 3513.2 and the requirements of this Section, by April 1 of each year, a building owner required to benchmark for the previous calendar year shall:
- (a) Use an existing Portfolio Manager account or, if necessary, create a new account to measure the annual performance of the building;
 - (b) A building owner may use an existing Portfolio Manager account created in accordance with D.C. Official code § 6–1451.03(c)(3), for estimating the energy performance of new construction or substantial improvement.
 - (c) Use an existing Portfolio Manager property or, if necessary, create a new property for each building or set of buildings that are served by shared utility systems required to benchmark;
 - (d) Enter complete and accurate information for each building, property, or campus as required by this section or Portfolio Manager including:
 - (1) The name and contact information for the building owner and any operator of the property;
 - (2) The D.C. Real Property Unique Identifier(s) for the property on which the building is located as provided by DOEE;
 - (3) Energy and water utility information (use of estimated values is not permitted without written DOEE permission for instances where DOEE determines that a non-estimated value is not feasible);
 - (4) Complete whole-building utility data as specified in § 3514.3;
 - (5) Values for all property use information (use of default or temporary values is not permitted without written DOEE permission for instances where DOEE determines that it is not feasible to do otherwise); and
 - (6) Any non-residential tenant space use or utility information as necessary to meet the reporting requirements of this section; and
 - (e) When entering complete and accurate information into Portfolio Manager, the building owner shall exclude the gross floor area and energy consumption of property spaces so long as they meet Portfolio Manager criteria for excluding a property space.

- (f) Complete all automated data quality check functions within Portfolio Manager within seven (7) calendar days prior to submission of a District Benchmark Results and Compliance Report;
- (g) If required by § 3515, provide third-party verification information; and
- (h) Submit a complete and accurate District Benchmark Results and Compliance Report to DOEE by authorizing the transfer of the Report in Portfolio Manager.

3514.2 The District Benchmark Results and Compliance Report shall include one of the following for the building:

- (a) A Portfolio Manager ENERGY STAR[®] score, if a score is available;
- (b) A Weather Normalized Energy Use Intensity (EUI) result, if a Portfolio Manager ENERGY STAR[®] score is not available; or
- (c) An explanation of why the building owner could not provide complete information for calculation of a Portfolio Manager ENERGY STAR[®] score or a Weather Normalized EUI result.

3514.3 A building owner shall collect and enter into Portfolio Manager complete whole-building data for the calendar year in accordance with § 3514.1 as follows:

- (a) For new buildings, consistent with the requirements of § 3513.2, a building owner shall benchmark beginning with the first full calendar year after the building receives its Temporary Certificate of Occupancy or Certificate of Occupancy, whichever comes first;
- (b) If ownership of a building is transferred during a reporting year, the former building owner or owners shall, no later than sixty (60) days after the transfer, provide complete and accurate information necessary to the building owner required to benchmark to complete the benchmark reporting requirements for the full calendar year in which the transfer occurred;
- (c) If necessary to submit a complete and accurate District Benchmark Results and Compliance Report, a building owner shall obtain information from non-residential tenants, master meters, or a utility company;
- (d) If a building owner has made a reasonable effort to obtain information and does not have complete whole-building information to fulfill the requirements of this section, a building owner shall submit an incomplete building District Benchmark Results and Compliance Report containing as much information as is available and shall notify DOEE which set(s) of utility data are incomplete; and

- (e) A building owner who receives updated or corrected information for a reported calendar year after submitting a District Benchmark Results and Compliance Report shall submit an updated Report within thirty (30) days of receiving the new information. A building owner shall notify DOEE when it submits an updated or corrected Report.

3514.4 If a building owner has leased or allowed the sublease of all or part of a building to a non-residential tenant, for the non-residential tenant spaces, the owner shall:

- (a) Provide property use information relevant to the tenant space use type and annual utility data for the non-residential tenant space, either as:
 - (1) Aggregated or single-meter utility data provided directly from the utility companies; or
 - (2) Provided by tenants;
- (b) Upon notice that a non-residential tenant intends to vacate a building before the District Benchmark Results and Compliance Report is due, require from the tenant the necessary information for the period the tenant occupied the building; and
- (c) Provide contact information and gross floor areas leased for any non-residential tenant who did not provided necessary data as required by this section.

3514.5 A non-residential tenant of a building owner required to benchmark shall provide the building owner complete and accurate information, as described in § 3514.4, within thirty (30) days of the date a written request for such information is received by the tenant. Non-residential tenants who sublease their space are responsible for collecting and reporting sub-tenant information to the building owner. A request for information is considered received if:

- (a) The tenant actually receives the request; or
- (b) If the building owner signs a sworn statement that the building owner placed the request in U.S. first class mail, waited at least thirty (30) days, and did not receive notice that the request was returned as undeliverable.

A new Section 3515, PERFORMANCE BENCHMARKING DATA VERIFICATION, is added to read as follows:

3515.1 Every three (3) years, building owners or their designees shall perform third-party verifications of their District Benchmark Results and Compliance Reports.

- 3515.2 Third-party verification shall begin in 2024 with verification of District Benchmark Results and Compliance Reports submitted for calendar year 2023 and shall be performed every third year thereafter. Third-party verification shall be submitted as part of the District Benchmark Results and Compliance Report no later than April 1 of each reporting year for which third-party verification is required.
- 3515.3 For each property requiring verification, the building owner of that building, or the building owner's designee, shall make the ENERGY STAR® Data Verification Checklist, and any appropriate supporting documentation, available to an Approved District Data Verifier. The Data Verification Checklist is not required to be submitted with the District Benchmark Results and Compliance Report to meet the requirements of this section.
- 3515.4 An individual is an Approved District Data Verifier if they possess one (1) of the following licenses, credentials, or certifications, and are in good standing with the licensing, credentialing, or certifying entity at the time that the data verification is conducted:
- (1) Professional Engineer (PE);
 - (2) Licensed Architect;
 - (3) Certified Energy Manager (CEM);
 - (4) Building Energy Assessment Professional; or
 - (5) Any other additional data verifier license or training program credentials recognized by the Department and posted to its website.
- 3515.5 The U.S. Environmental Protection Agency is an Approved District Data Verifier for the purpose of this section when it performs data verification as part of an ENERGY STAR® Certification that uses data including at least six (6) months of the calendar year for which this section requires data verification.
- 3515.6 An Approved District Data Verifier shall not be an employee of the building owner or of the building owner's designee who prepares or submits benchmarking information in Portfolio Manager.
- 3515.7 To meet the requirements of this section, the building owner or building owner's designee may request that the Approved District Data Verifier:
- (a) Review the Portfolio Manager entries and supporting documentation provided by the building owner or building owner's designee to identify any errors or gaps in the data; and

- (b) Work with the building owner or building owner's designee as needed to correct errors and fill gaps.
- 3515.8 Upon completion of verification, the Approved District Data Verifier must certify on the final page of the Data Verification Checklist that the Data Verification Checklist is complete and accurate by signing and dating it and listing any credential, license, or certification information that demonstrates the verifier's eligibility to act as an Approved District Data Verifier.
- 3515.9 Approved District Data Verifiers are not required to conduct a site visit or to complete the waste and indoor environmental quality section of the Data Verification Checklist to meet the requirements of this section.
- 3515.10 The building owner or building owner's designee shall use the Property Notes section or other relevant section in Portfolio Manager to report to the Department that third-party verification is complete by providing the following information:
- (a) The name, title, telephone number, and email of the Approved District Data Verifier who completed the verification;
- (b) The date of the verification; and
- (c) The name of the credential, license, or certification and the license or certification number held by the Approved District Data Verifier.
- 3515.11 A building owner or building owner's designee may use a current EPA ENERGY STAR® Certification, which includes third-party data verification, to meet the third-party verification requirements of this section. To do so, the building owner or building owner's designee shall include the following information within the District Benchmark Results and Compliance Report Property Notes section or other relevant section:
- (a) The date that the building received ENERGY STAR ® Certification;
- (b) The date range of the data verified; and
- (c) The name, title, email address, and the name of the credential, license, or certification, and license or certification number of the licensed professional who verified the data for the ENERGY STAR ® Certification.
- 3515.12 A building owner or building owner's designee shall retain a signed copy of the Data Verification Checklist and all records documenting the information contained in the District Benchmarking Results and Compliance Report for a minimum of three (3) years from the date that the Report is submitted to the Department, and shall provide a copy of those records to the Department upon request.

Section 3516, PERFORMANCE BENCHMARKING PENALTIES AND ENFORCEMENT, is added to read as follows:

- 3516.1 Any of the following shall be a violation of D.C. Official Code § 6-1451.03(c)(2)(D):
- (a) § 3514.1(g) (failure to submit accurate and complete benchmarking information in a District Benchmark Results and Compliance Report);
 - (b) § 3514.1 (failure to submit a District Benchmark Results and Compliance Report to DOEE by April 1 for the preceding calendar year);
 - (c) § 3514.3(b) (failure of a former building owner to submit complete and accurate benchmarking information to the building owner);
 - (d) § 3514.3(e) (failure to update or correct information for a submitted District Benchmark Results and Compliance Report within thirty (30) days of receiving the new information); or
 - (e) § 3514.5 (failure of a non-residential tenant to submit complete and accurate benchmarking information to the building owner within thirty (30) days of a written request from the building owner).
- 3516.2 A building owner or non-residential tenant who fails to submit benchmarking information as specified in § 3516.1 shall be assessed a penalty by DOEE of not more than one hundred dollars (\$100) for each calendar day the required submission has not been made.
- 3516.3 DOEE may enforce the requirements of this section by issuing one or more of the following:
- (a) Notice of violation; or
 - (b) Notice of infraction.
- 3516.4 DOEE may issue a notice of infraction without first issuing a notice of violation.
- 3516.5 A building owner, former building owner, or a non-residential tenant who receives a notice of infraction may request a hearing or adjudication pursuant to the Office of Administrative Hearings Establishment Act of 2001 (D.C. Official Code § 2-1831.01 *et seq.*) and the Office of Administrative Hearings rules (1 DCMR § 2800 *et seq.*).
- 3516.6 A building owner, former building owner, or a non-residential tenant may appeal to the District of Columbia Court of Appeals only after exhausting all administrative remedies.

Section 3599, DEFINITIONS is amended as follows:

The following definitions are amended to read as follows:

Director – the Director of the Department of Energy and Environment (DOEE), or the Director’s representative, agent, designee, or successor.

District Benchmark Results and Compliance Report – The Portfolio Manager report that includes benchmark and ENERGY STAR® statements of energy performance, identifies reporting methodology, and contains data verification information when required by section 4 of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03).

District Benchmark Reporting Template – the template developed by DOEE in partnership with the United States Environmental Protection Agency (U.S. EPA), that exports from Portfolio Manager the building information required for building owners to fulfill District benchmarking requirements.

Tenant – a person or entity entitled to the possession, occupancy, or the benefits of any rental unit owned by another person or entity, or the owner of an individual condominium unit within a condominium association.

The following definitions are added:

Department – the Department of Energy and Environment (DOEE).

ENERGY STAR® Data Verification Checklist – a U.S. EPA ENERGY STAR ® form used to complete the third-party verification of District Benchmark Results and Compliance Reports.

ENERGY STAR® score – a 1-to-100 score provided to buildings by the U.S. EPA ENERGY STAR ® Program to assess how buildings perform in relation to similar buildings nationwide.

Portfolio Manager Data Collection Worksheet – the list of data fields required to fulfill District benchmarking requirements, which includes the information needed for a building owner to request information from a non-residential tenant. This worksheet can be found on the U.S. EPA ENERGY STAR® website.

Property use information – the characteristics, such as the conditioned floor area, weekly operating hours, number of occupied units, and number of computers in use, described by Portfolio Manager for a particular building type.

Whole-building utility data – information about all energy and water consumed on the premises, including in common areas, tenant-controlled areas, and residential living

areas, but not including spaces that meet all exclusion criteria described in the Portfolio Manager Data Collection Worksheet.

The following definitions are stricken:

District Data Collection Worksheet.

Non-Residential Tenant Information Form.

Non-Residential Tenant Notification Letter.

Space use attributes.

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked “Public Comments: Energy Performance Benchmarking” and e-mailed to [info.benchmark@dc.gov. Comments may also be filed with DOEE, Benchmarking, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Katie Bergfeld. Copies of this Notice of Proposed Rulemaking may be obtained by contacting DOEE at (202) 535-2600 or at info.benchmark@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Application of the Building Energy Performance Standards for Privately-Owned Buildings**

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*) (2013 Repl. & 2019 Supp.)); Section 301 and 304 of the CleanEnergy DC Omnibus Amendment Act of 2018 (CEDC Act), effective March 22, 2019 (D.C. Law 22-257; 66 DCR 3973 (April 5, 2019)), as amended by Section 2 of the CleanEnergy DC Omnibus Temporary Amendment Act of 2020, effective May 6, 2020 (D.C. Law 23-94; 67 DCR 5015 (May 15, 2020)); and Mayor's Order 2020-087, dated August 21 2020, hereby gives notice of the intent to add new sections to Chapter 35 (Green Building Requirements) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking will implement provisions of the CEDC Act, which mandates that every six (6) years, DOEE establish property types and Building Energy Performance Standards (BEPS) by property type for the properties covered by the benchmarking requirements of the Clean and Affordable Energy Act of 2008 and that, for any building identified as below the performance threshold set by DOEE, the building owner be required to implement lasting energy efficiency measures in their buildings over a five (5)-year compliance cycle. The proposed rules also set forth DOEE's implementation and enforcement of the BEPS requirements.

Input from the Task Force

The Clean Energy Omnibus Act of 2018 established the BEPS Program as well as a Mayoral appointed BEPS Task Force. The charge of the BEPS Task Force was to: advise DOEE on creation of an implementation plan for the Building Energy Performance Program; recommend amendments to proposed regulations issued by DOEE; and, recommend complementary programs or policies. Throughout calendar year 2020, DOEE held biweekly meetings with the 17-member Task Force to discuss the roll-out of the BEPS Program. A detailed description of the input DOEE received from the BEPS Taskforce as well as the issues discussed will be available on DOEE's website in the BEPS Task Force Report.

In regard to these rules, DOEE incorporated significant input from the BEPS Task Force on the following sections:

Standard Target Pathway
Reporting and Verification Requirements
Exemption Criteria
Delay of Compliance Criteria
Alternative Compliance Penalties

Overview of the Building Energy Performance Standard Rules

These rules provide specific instructions to owners and operators of privately-owned buildings on how to comply with the BEPS. These rules identify the buildings to which the BEPS are applicable, and the performance and procedural requirements for buildings that are not in compliance with the BEPS. These rules and accompanying guidance documents developed by DOEE will be available on DOEE's website (<https://doee.dc.gov/service/building-energy-performance-standards>).

Section-by-Section Descriptions

Section 3517 states that DOEE will publish notice of the establishment of BEPS in the *D.C. Register* and also establishes the *BEPS Period* and the *Compliance Cycle*. It lays out the size-based time frames during which buildings will be required to meet the BEPS, and the method by which building owners must determine the size of their building. It provides direction to building owners on how to determine whether their building meets the BEPS and how to identify the correct property type for their building.

Section 3518 outlines the compliance pathways allowed for buildings that do not meet the BEPS for a BEPS Period. The compliance pathways in Subsection 3518.2 include the (a) performance pathway, (b) prescriptive pathway, (c) standard target pathway, and (d) alternative compliance pathway. Detailed specifics about the prescriptive pathway and alternative compliance pathways will all be described in accompanying documents. Subsection 3518.4 provides an alternative pathway for the BEPS Period beginning on January 1, 2021, given the anticipated abnormalities associated with calendar year 2020 energy data due to the coronavirus (COVID-19) public health emergency.

Section 3519 outlines the requirements for selecting a compliance pathway and compliance pathway milestones to be met during the BEPS Period. This section also establishes the consequences for building owners that fail to select a compliance pathway. It establishes how a building owner may change pathways during a Compliance Cycle, and the deadlines for various milestones under the prescriptive pathway. This section establishes how DOEE may deny or revoke approval of a pathway.

Section 3520 details the process for building owners to obtain exemptions from, or delays in meeting, required compliance criteria. It also provides a broadly available compliance delay for building owners of one year for the Compliance Cycle beginning in 2021 due to the public health emergency declared on March 11, 2020.

Section 3521 implements the alternative compliance penalty process should a building fail to meet the performance requirements of their selected pathway and establishes maximum alternative compliance penalties based on building size. Alternative compliance penalties are separate from the potential civil fines associated with failure to meet the requirements in Sections 3518 through 3519. Alternative compliance penalties will be adjusted proportionally to the building's performance relative to its pathway target. Building owners have the opportunity to request DOEE reconsideration of the penalty through the enforcement process described in Section 3521 and may request a hearing or adjudication by the Office of Administrative Hearings.

Section 3522 covers the enforcement of the civil infractions associated with the procedural requirements in Section 3519.

Chapter 35, GREEN BUILDING REQUIREMENTS, of Title 20 DCMR, ENVIRONMENT, is amended as follows:

New Sections 3517 through 3522 are added to read as follows:

- 3517 Building Energy Performance Standards (BEPS)**
- 3518 Building Energy Performance Compliance Pathways**
- 3519 Building Energy Performance Reporting and Verification**
- 3520 Building Energy Performance Exemptions and Compliance Delays**
- 3521 Building Energy Performance Standards Alternative Compliance Penalty, Violations, and Enforcement**

3517 BUILDING ENERGY PERFORMANCE STANDARDS (BEPS)

3517.1 Every six (6) years, DOEE shall, pursuant to Section 301(b) of the Act (D.C. Official Code § 8-1772.21(b)), establish the BEPS. DOEE shall publish notice of the BEPS in the *D.C. Register* before the relevant Compliance Cycle begins.

3517.2 A building that does not meet the BEPS as of the effective date of the BEPS shall have a Compliance Cycle of five (5) years from that date to meet the performance requirements set forth in § 3518 and the procedural requirements set forth in § 3519.

3517.3 Sections 3517 through 3521 shall apply to buildings in accordance with the following schedule:

- (a) Beginning January 1, 2021, all privately-owned buildings with at least fifty thousand square feet (50,000 sq. ft.) of gross floor area and all District-owned or District instrumentality-owned buildings with at least ten thousand square feet (10,000 sq. ft.) of gross floor area;
- (b) Beginning January 1, 2027, all privately-owned buildings with at least twenty-five thousand square feet (25,000 sq. ft.) of gross floor area; and
- (c) Beginning January 1, 2033, all privately-owned buildings with at least ten thousand square feet (10,000 sq. ft.) of gross floor area.

3517.4 To assess applicability of § 3517.3, a building owner shall determine the building size in accordance with 20 DCMR § 3513 (Energy Performance Benchmarking of Privately-Owned Buildings).

3517.5 A building owner shall determine the applicable BEPS based on the primary property type in Portfolio Manager.

3518 BUILDING ENERGY PERFORMANCE COMPLIANCE PATHWAYS

3518.1 An owner of a building that does not meet the BEPS shall implement one (1) of the following compliance pathways to meet the building energy performance requirements:

- (a) A performance pathway, which includes meeting the reporting milestone described in § 3519.5 and achieving energy savings according to the following metrics, as determined through Portfolio Manager:
 - (1) For a building that can earn an ENERGY STAR® score, a greater than twenty percent (20%) decrease in Site Energy Use Intensity Adjusted to Current Year (Adjusted Site EUI) averaged over the last two (2) years of the Compliance Cycle, as compared to the Adjusted Site EUI averaged over the two (2) years preceding the first year of the Compliance Cycle; or
 - (2) For a building that cannot earn an ENERGY STAR® score, a greater than twenty percent (20%) decrease in in the Weather Normalized Site Energy Use Intensity (Normalized Site EUI) averaged over the last two (2) years of the Compliance Cycle, as compared to the Normalized Site EUI averaged over the two (2) years preceding the first year of the Compliance Cycle;
- (b) For property types for which the BEPS is above the national median, a standard target pathway, which includes meeting the reporting milestone described in § 3519.5 and achieving energy savings according to the following metrics, as determined through Portfolio Manager:
 - (1) If a building can earn an ENERGY STAR® score, an increase in its ENERGY STAR® score to the level established as the BEPS for the applicable BEPS Period in the last year of the Compliance Cycle; or
 - (2) If a building cannot earn an ENERGY STAR® score, a decrease in its Weather Normalized Source Energy Use Intensity (Normalized Source EUI) to the level established as the BEPS for the applicable BEPS Period in the last year of the Compliance Cycle;
- (c) A prescriptive pathway, which includes meeting reporting milestones described in § 3519.6 and implementing one or more DOEE pre-determined energy efficiency measures designed to achieve energy savings comparable to the requirements in § 3518.1(a);
- (d) An alternative compliance pathway as agreed upon by DOEE and the building owner that is designed to achieve energy savings comparable to the requirements in § 3518.1(a); or
- (e) Only for the BEPS Period beginning on January 1, 2021, buildings may follow a 2021 pathway option for each of the pathways described in § 3518.2(a) through (d) by using the applicable EUI average for the period from 2018 to 2019 as the baseline to compare to the applicable EUI for 2026 in order to determine whether the twenty percent (20%) reduction or comparable energy savings requirement has been met.

3518.2 When measuring energy performance, a building owner shall exclude the gross floor area and energy consumption of spaces that meet the criteria in Portfolio Manager for excluding a space.

3518.3 A building owner shall not implement a compliance measure that poses a threat to the health and safety of a building occupant or user.

3519 BUILDING ENERGY PERFORMANCE REPORTING AND VERIFICATION

3519.1 This section establishes reporting and verification requirements for building owners to meet the building energy performance requirements. For the BEPS Period beginning in 2021, all deadlines set forth in this section shall be extended by one (1) year, consistent with § 3520.7 and § 301(e)(1) of the Act (D.C. Official Code § 8-1772.21(e)(1)).

3519.2 The owner of a building that does not meet the BEPS as of the first day of the Compliance Cycle shall select a compliance pathway described under § 3518.1 for DOEE review and approval through the Online BEPS Portal no later than February 1, one (1) year from the start of the Compliance Cycle.

3519.3 If a building owner does not select a compliance pathway as specified in § 3519.2 or does not receive DOEE approval for a pathway, DOEE shall assign a pathway for the building. The assigned pathway shall be either a performance pathway or a standard target pathway.

3519.4 A building owner may change a pathway, including a DOEE-assigned compliance pathway, during a Compliance Cycle for good cause shown by submitting a pathway change application through the Online BEPS Portal and receiving approval from DOEE. A building owner may not change pathways until approval is received from DOEE.

3519.5 For a building pursuing either a performance or standard target pathway, a building owner shall submit a report of completed actions to DOEE through the Online BEPS Portal no later than February 1, five (5) years from the start of the Compliance Cycle.

3519.6 For a building pursuing a prescriptive pathway, a building owner shall submit the following documents to DOEE through the Online BEPS Portal:

- (a) No later than February 1, one (1) year from the start of the Compliance Cycle, a preliminary assessment plan that includes a current energy use assessment or audit and identifies any entities that will implement improvements;
- (b) No later than February 1, two (2) years from the start of the Compliance Cycle, an action plan that includes a final list of energy efficiency measures selected for implementation;

- (c) No later than February 1, four (4) years from the start of the Compliance Cycle, an implementation and testing report that includes permit drawings, permits, inspection reports, or other documentation identified in the approved pathway pertaining to the implementation of selected energy efficiency measures;
 - (d) No later than February 1, five (5) years from the start of the Compliance Cycle, an evaluation, monitoring, and verification report that includes a narrative describing the savings achieved and any corrective actions taken; and
 - (e) Additional documentation as identified by DOEE in its approval of the building pathway.
- 3519.7 For an alternative compliance pathway, a building owner shall sign an alternative compliance pathway agreement prepared by DOEE, and shall complete and submit all documentation in a manner and timeframe required by the agreement.
- 3519.8 A building owner may use a complete and accurate District Benchmark Results and Compliance Report as required under §§ 3513 through 3516 of this chapter to demonstrate that the building has met its pathway target for a Compliance Cycle.
- 3519.9 A building owner shall provide any additional documentation as requested by DOEE to determine compliance with this section.
- 3519.10 A report, a plan, or documentation submitted in accordance with §§ 3519.5 through 3519.9 must be complete and accurate.
- 3519.11 DOEE may deny or revoke approval of a pathway and designate a different pathway specified in § 3518.1 if a building owner:
- (a) Fails to submit a complete and accurate report, plan, or documentation as required by §§ 3519.5 through 3519.9; or
 - (b) Fails to implement a requirement of a DOEE-approved compliance pathway;
 - (c) Failed to demonstrate energy savings described by the approved pathway for the previous Compliance Cycle.
- 3519.12 If ownership of a building covered by § 3517.3 is transferred during a Compliance Cycle, the seller shall provide the buyer with the following information prior to the transfer or sale:
- (a) Any information, plans, or reports submitted to DOEE as required by §§ 3519.2, 3519.5, 3519.6, 3519.7, and 3519.8;

- (b) The most recent complete and accurate District Benchmark Results and Compliance Report as required under § 3513 of this chapter for the building; and
- (c) Information describing any progress toward meeting the energy performance requirements as applicable under § 3518.

3520 BUILDING ENERGY PERFORMANCE EXEMPTIONS AND COMPLIANCE DELAYS

3520.1 A building owner may apply through the Online BEPS Portal for an exemption from or delay in compliance with the performance and procedural requirements specified in § 3518 and § 3519.

3520.2 A building owner seeking an exemption or delay shall submit a request describing the exemption or delay sought and the reason the exemption or delay is being requested. The request shall include documentation that substantiates the basis for the request, such as financial information, deeds, building and construction permits, technical reports, invoices, or other proper documentation.

3520.3 An exemption or delay may be granted only if the building owner demonstrates to the satisfaction of DOEE, based upon the documentation presented, that the building meets one or more of the criteria in §§ 3520.4 or 3520.6.

3520.4 DOEE shall grant an exemption from the performance and procedural requirements specified in § 3518 and § 3519 for a building that is completely demolished immediately prior to the beginning of the applicable Compliance Cycle or during the Compliance Cycle.

3520.5 DOEE shall grant a delay in compliance from the performance and procedural requirements specified in § 3518 and § 3519 for up to three (3) years upon a showing of good cause by the applicant that one or more of the circumstances in § 3520.6 exist. For qualifying affordable housing buildings, DOEE may grant a delay in compliance of more than three (3) years.

3520.6 For a property to owner to demonstrate good cause for granting a delay of compliance under § 3520.5, the property owner must provide substantial evidence that meeting the requirements of § 3518.1 is practically infeasible, including for any of the following reasons:

- (a) Financial distress;
- (b) A change of ownership of the property during a Compliance Cycle;
- (c) The building undergoes a major renovation;
- (d) The building becomes unoccupied;

- (e) The building is pending demolition, as evidenced by a demolition or raze permit;
- (f) There is a change in primary property type, as determined through Portfolio Manager; or
- (g) For the BEPS period beginning in 2021, the building was operating and consuming energy during the COVID-19 public health emergency declared on March 11, 2020 by Mayor's Order 2020-045.

3520.7 For the BEPS Period beginning in 2021, an owner of a building subject to compliance under § 3517.3(a) may, in keeping with § 3520.6(g), seek a one (1)-year delay of compliance, as set forth in § 3519.1. A one (1)-year delay of compliance granted pursuant to this subsection shall not preclude DOEE from granting additional delays in compliance under § 3520.5; provided, that, for a building other than a qualifying affordable housing building, any additional delays may not, in total, exceed two (2) additional years.

3520.8 DOEE may attach additional conditions to a delay of compliance, including adjustments to the building's compliance pathway, or additional reporting and verification requirements to move a building toward compliance with the BEPS.

3520.9 An exemption or delay approved during one Compliance Cycle does not extend the requirement for a building to meet the BEPS established for the next Compliance Cycle.

3521 BUILDING ENERGY PERFORMANCE STANDARDS ALTERNATIVE COMPLIANCE PENALTY, VIOLATIONS, AND ENFORCEMENT

3521.1 A building owner that fails to demonstrate complete implementation of a compliance pathway as required by § 3518.1 at the end of a Compliance Cycle shall be assessed an alternative compliance penalty no greater than the following amounts. The maximum penalty shall be reduced proportionally to the building's performance relative to its pathway target as described in § 3521.3.

- (a) A building with at least five hundred thousand square feet (500,000 sq. ft.) of gross floor area shall be assessed a maximum alternative compliance penalty of seven million five hundred thousand dollars (\$7,500,000);
- (b) A building of at least two hundred thousand square feet (200,000 sq. ft.) of gross floor area but less than five hundred thousand square feet (500,000 sq. ft.) of gross floor area shall be assessed a maximum alternative compliance penalty of five million dollars (\$5,000,000);
- (c) A building of at least one hundred thousand square feet (100,000 sq. ft.) of gross floor area but less than two hundred thousand square feet (200,000 sq.

ft.) of gross floor area, shall be assessed a maximum alternative compliance penalty of two million dollars (\$2,000,000);

- (d) A building of at least fifty thousand square feet (50,000 sq. ft.) of gross floor area but less than one hundred thousand square feet (100,000 sq. ft.) of gross floor area, shall be assessed a maximum alternative compliance penalty of one million dollars (\$1,000,000);
- (e) A building of at least twenty-five thousand square feet (25,000 sq. ft.) of gross floor area but less than fifty thousand square feet (50,000 sq. ft.) of gross floor area, shall be assessed a maximum alternative compliance penalty of five hundred thousand dollars (\$500,000); and
- (f) A building of at least ten thousand square feet (10,000 sq. ft.) of gross floor area but less than twenty-five thousand square feet (25,000 sq. ft.) of gross floor area, shall be assessed a maximum alternative compliance penalty of two hundred and fifty thousand dollars (\$250,000).

3521.2

A post-secondary educational institution or hospital with multiple buildings in a single location owned by a single entity (campus) that fails to demonstrate implementation of the alternative compliance pathway as required by § 3518.1(d) at the end of a Compliance Cycle shall be assessed an alternative compliance penalty in the following amount. The penalty shall be adjusted proportionally to the building’s performance relative to its pathway target.

- (a) A campus with at least three million square feet (3,000,000 sq. ft.) of gross floor area shall be assessed a maximum alternative compliance payment of fifteen million dollars (\$15,000,000); and
- (b) A campus of less than three million square feet (3,000,000 sq. ft.) of gross floor area shall be assessed a maximum alternative compliance penalty of seven million five hundred thousand dollars (\$7,500,000).

3521.3

The maximum fines assessable under §§ 3521.1 - 3521.2 shall be adjusted according to the selected compliance pathway and according to the following chart:

Pathway	Adjustment Factor	Example
Performance pathway under § 3518.1(a)	Percent reduction actually achieved divided by twenty percent (20%).	Building A achieves a 10% reduction in site EUI. Their fine is reduced by fifty percent (50%) (10/20 = 50%).
Standard target pathway under § 3518.1(b)	ENERGY STAR Score Points actually earned from 2019 divided by total points needed to meet standard.	Building B gains four (4) points but needs six (6) total to meet the standard. Their fine is reduced by sixty-seven percent (67%) (4/6 = 67%).
Prescriptive pathway under § 3518.1(c)	Number of prescriptive pathway points actually	Building C completes measures worth 15 points but needs twenty

	earned divided by total needed.	(20) total. Their fine is reduced by seventy-five percent (75%) ($15/20 = 75\%$).
Alternative compliance pathway under § 3518.1(d)	Parameters shall be described in the alternative compliance pathway agreement prepared by DOEE, as described under § 3519.7.	

- 3521.4 Notwithstanding § 3521.3, a building owner that knowingly submits inaccurate information will be subject to assessment of the maximum alternative compliance penalty in accordance with § 3521.1 regardless of the building’s performance relative to its pathway target, in addition to any other applicable fines and penalties.
- 3521.5 A building owner violating a provision in §§ 3517 through 3520 shall be fined according to the schedule set forth in Title 16 (Consumer, Commercial Properties, and Civil Infractions) of the District of Columbia Municipal Regulations.
- 3521.6 DOEE may enforce the requirements of this section, including assessment of an alternative compliance penalty, by issuing one or more of the following:
 - (a) Notice of violation;
 - (b) Enforcement notice; or
 - (c) Notice of infraction.
- 3521.7 DOEE may issue a notice of violation to notify a building owner of a violation under §§ 3516 through 3520 and any potential fine if the violation is not corrected. A notice of violation does not impose a fine.
- 3521.8 DOEE may issue an enforcement notice to assess a fine or penalty for a violation under §§ 3516 through 3521. An enforcement notice may be appealed to DOEE pursuant to the instructions provided in the notice.
- 3521.9 If a fine or penalty is not resolved under §§ 3521.7 or 3521.8, DOEE may issue a notice of infraction. A building owner that receives a notice of infraction may request a hearing or adjudication pursuant to the Office of Administrative Hearings Establishment Act of 2001 (D.C. Official Code § 2-1831.01 *et seq.*) and the Office of Administrative Hearings Rules (1 DCMR § 2800 *et seq.*).
- 3521.10 A building owner may appeal to the District of Columbia Court of Appeals only after exhausting all administrative remedies.

3521.11 In addition to or instead of a civil infraction, the Attorney General for the District of Columbia may commence a civil action for damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with §§ 3516 through 3521.

Section 3599, DEFINITIONS, is amended as follows:

The following definitions are added to read as follows:

Affordable housing – buildings that are primarily residential and contain five (5) or more dwelling units, and either:

- (1) in which use restrictions or other covenants require that at least 50% of all the building’s dwelling units are occupied by households that have household incomes of less than or equal to 80% of the area median income; or
- (2) the building owner can demonstrate that at least 50% of the dwelling units rent at levels that are affordable to households with incomes less than or equal to 80% of the area median income.

Building Energy Performance Standards or BEPS – the level of energy efficiency set forth by DOEE as an ENERGY STAR score or Normalized Source EUI value for each property type, as provided in section 301(b) of the Act (D.C. Official Code § 8-1772.21(b)).

Building Energy Performance Standards Period or BEPS Period - the period of time in which specific BEPS are in effect, which shall run from the date DOEE establishes BEPS until the next DOEE establishment of BEPS.

Building Energy Performance Standards Program or BEPS Program – the DOEE program overseeing and implementing BEPS.

Compliance Cycle – a period of five (5) years from the date of the establishment of BEPS during which, in the absence of a delay of compliance granted by DOEE, a building must meet the performance requirements set forth in § 3518 and procedural requirements set forth in § 3519.

Major renovation – any repair, alteration, or addition of a building or structure that:

- (1) Significantly affects multiple core building systems; and
- (2) Costs at least twenty-five (25) percent of the value of the building or structure, as determined based on Office of Tax and Revenue records, before the repair, alteration, or addition is started.

National Median – the ENERGY STAR score or Source EUI benchmark, available on the U.S. Environmental Protection Agency ENERGY STAR Portfolio Manager website, that fifty percent (50%) of properties perform above and fifty percent (50%) perform below.

Online BEPS Portal – a web-based application created by DOEE for a building owner to submit required reporting and verification documents pertaining to BEPS, accessible through the DOEE BEPS Program webpage.

Property type – the primary function of a building as determined through Portfolio Manager.

Site Energy Use Intensity or Site EUI – the annual amount of energy a building consumes onsite, as reported on a building’s utility bills, divided by the building’s gross floor area, as determined through Portfolio Manager.

Site Energy Use Intensity Adjusted to Current Year or Adjusted Site EUI – the Site EUI a building would be expected to have if its operations were the same as in the current time period, as determined through Portfolio Manager.

Source Energy Use Intensity or Source EUI – the total amount of raw fuel that is required to operate a building, divided by the building’s gross floor area, as determined through Portfolio Manager.

Weather Normalized Site Energy Use Intensity or Normalized Site EUI – the Site EUI a building would have consumed during thirty (30) year average weather conditions, as determined through Portfolio Manager.

Weather Normalized Source Energy Use Intensity or Normalized Source EUI – the Source EUI a building would have consumed during thirty (30) year average weather conditions, as determined through Portfolio Manager.

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than sixty (60) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked “Public Comments: BEPS” and filed with DOEE, Benchmarking, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Building Performance and Enforcement Branch, or e-mailed to info.BEPS@dc.gov. All comments will be treated as public documents and will be made available for public viewing on the Department’s website at www.doe.dc.gov. If a comment is sent by e-mail, the e-mail address will automatically be captured and included as part of the comment that is placed in the public record and made available on the Department’s website.

D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF PROPOSED RULEMAKING

The Director of the D.C. Department of Human Resources (DCHR), with the concurrence of the City Administrator, pursuant Mayor’s Order 2008-92, dated June 26, 2008, and in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a), 1-607.03,1-608.01(a), and 1-609.51 (2016 Repl. and 2019 Supp.)), hereby gives notice of the intent to amend Chapter 2 (Retention of Personnel Rights and Benefits), Chapter 7 (Equal Employment Opportunity and Veterans Preference), Chapter 8 (Career Service), and Chapter 38 (Management Supervisory Service), of Title 6 (Personnel), Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR), in no less than thirty (30) days after publication of this notice in the *D.C. Register*.

The proposed rules will rename Chapter 2 to “Talent Acquisition” (formerly named Retention of Personnel Rights and Benefits) and amend the provisions in their entirety. Specific changes include: (1) repealing the prior outdated rules contained in Chapter 2; (2) incorporating strategic concepts from the human resources field, such as workforce planning, recruitment strategies, and onboarding; and (3) incorporating into the chapter and amending relevant provisions from Chapter 7 and Chapter 8. These rules have been reorganized for ease of use and were updated to reflect the District Government's current practices. In relation to Chapter 38, Sections 3807, 3809, 3812, and 3899 of Chapter 38 are being amended to ensure time limits and definitions are consistent with Chapter 2. Provisions in Sections 870 through 877 of Chapter 8 concerning the Metropolitan Police Department and Fire and Emergency Medical Services Department, are unchanged and will remain in Chapter 8 and the chapter will be renamed “Police, Fire, and Emergency Medical Services Employees.” Additionally, Chapter 7 is being repealed.

Chapter 2, RETENTION OF PERSONNEL RIGHTS AND BENEFITS, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is renamed and amended to read as follows:

CHAPTER 2 TALENT ACQUISITION

- 200 GOVERNMENT WORKFORCE**
- 201 CAREER SERVICE**
- 202 TALENT ACQUISITION (GENERALLY)**
- 203 WORKFORCE PLANNING**
- 204 EMERGENCY APPOINTMENTS**
- 205 RECRUITMENT STRATEGIES, MARKETING, AND BRANDING**
- 206 QUALIFICATION AND EVALUATION STANDARDS**
- 207 COMPETITIVE AND NON-COMPETITIVE ACTIONS**
- 208 CAREER LADDERS**
- 209 TEMPORARY AND TERM APPOINTMENTS**
- 210 JOB POSTINGS AND AREAS OF CONSIDERATION**
- 211 INITIAL SCREENING, RATING, AND RANKING**
- 212 EMPLOYMENT PREFERENCES**

213 RESIDENCY PREFERENCE
214 VETERANS' PREFERENCE
215 FOSTER CARE YOUTH EMPLOYMENT PREFERENCE
216 ELIGIBLE APPLICANTS
217 ASSESSMENTS, EVALUATIONS, AND SELECTION PROCEDURES
218 INTERVIEW PANELS AND OTHER ASSESSMENT TOOLS
219 SPECIAL EMPLOYMENT PROGRAMS
220 REINSTATEMENTS
221 OFFERS OF EMPLOYMENT
222 ORIENTATION AND ONBOARDING
223 PROBATIONARY PERIODS
224 EXTENDING PROBATION
225 COMPLETING PROBATION
226 NEW PROBATIONARY PERIODS
227 SEPARATION OF PROBATIONARY EMPLOYEES
228 RETURNING TO DUTY
229 RETURNING FROM MILITARY DUTY
230 RETURNING FROM A WORKPLACE DISABILITY
231 TRANSFERS
232 REASSIGNMENTS
233 DETAILS
234 PROMOTIONS
235 TEMPORARY PROMOTIONS
236 DEMOTIONS
237 RESTRICTIONS ON EMPLOYEE MOVEMENTS
238 TIME-IN-GRADE REQUIREMENTS
239 [RESERVED]
240 EMPLOYEES IN THE OFFICE OF THE STATE SUPERINTENDENT OF
EDUCATION
241 PROHIBITED PRACTICES
299 DEFINITIONS

200 GOVERNMENT WORKFORCE

200.1 The District of Columbia government employs dedicated people who are selected from the best qualified talent, considering the government's immediate and long-term needs.

200.2 Employees are organized into one of six services: Career, Educational, Excepted, Executive, Legal, or Management Supervisory Service.

200.3 The provisions of this chapter apply only to applicants, candidates, and employees for or in the Career Service, and to individuals appointed, or reappointed, to a position within the Educational Service in the Office of the State Superintendent of Education, and, as provided in § 219.3, the Excepted Service. The provisions of this chapter do not apply to the Executive, Management Supervisory, or Legal Service, or the Excepted Service other than as stated in this provision.

200.4 This chapter does not apply to the recruitment, selection, or promotion of fire, police, or emergency medical services employees. Procedures for these activities are covered by Chapter 8.

201 CAREER SERVICE

201.1 Excluding jobs properly classified in the Educational, Excepted, Executive, Legal, or Management Supervisory Services, or as otherwise provided by law, all District government jobs are in the Career Service.

202 TALENT ACQUISITION (GENERALLY)

202.1 When used in the context of this chapter, talent acquisition refers to the District government's efforts to prepare for future talent needs, attract highly skilled candidates to government service, and select individuals for employment.

202.2 All personnel actions appointing or affecting employees shall comply with the standards established in this chapter and any additional procedural guidelines issued by the personnel authority.

203 WORKFORCE PLANNING

203.1 The personnel authority shall implement a workforce planning process that identifies current and potential critical skills and knowledge gaps. Workforce planning data will be used to:

- (a) Develop and implement knowledge gap reduction strategies;
- (b) Inform agency structures and deploy the workforce; and
- (c) Identify and develop strategies to overcome internal and external barriers to accomplishing strategic workforce goals.

203.2 When required by the personnel authority, all agencies shall develop an agency-specific workforce plan. Agencies shall review and update their specific workforce plans biennially to measure progress and reflect changes in business strategy or operational goals. Agency workforce plans shall include the following metrics:

- (a) A list of mission critical positions;
- (b) Core competencies by position type to include all positions;
- (c) Employee turnover by position type and tenure;
- (d) The number of new hires within the last two (2) years;
- (e) The average time to fill a position;

- (f) The current number of vacancies; and
- (g) The number of employees eligible to retire within the next two (2) years.

203.3 The personnel authority shall inform agencies of any requirement, and the applicable deadline, related to furnishing agency specific workforce plans. The personnel authority shall collect, aggregate, and analyze information from workforce plans to prepare recommendations for addressing workforce shortages.

204 EMERGENCY APPOINTMENTS

204.1 The personnel authority may make noncompetitive emergency appointments for not more than thirty (30) days to provide essential services in situations of natural disaster or catastrophes when normal employment procedures are impracticable.

204.2 Pursuant to D.C. Official Code § 7-2304(b)(16), whenever there is an emergency executive order in effect, the Director of the Department of Human Resources, when necessary and appropriate to address the emergency, may authorize the appointment of qualified individuals into Career and Educational Service positions without competition.

205 RECRUITMENT STRATEGIES, MARKETING, AND BRANDING

205.1 The personnel authority shall develop and implement a recruitment strategy for attracting highly qualified talent. The strategy shall encompass methods that enable agencies to utilize workforce data to make budgeting decisions that provide the greatest value to residents, promote a singular employer recruitment brand, and clearly articulate a set of offerings provided to employees.

205.2 The overall development and application of recruitment-related marketing and communications strategies shall rest primarily with the personnel authority. The personnel authority is charged with oversight for the development of internal and external recruitment-related marketing and communications strategies for the agencies under its authority.

205.3 No marketing consultants, marketing research firms, social media consultants, advertising agencies, graphic design firms, or web design firms shall be hired to develop recruitment-related materials without the approval of the personnel authority.

205.4 In deciding the recruitment methods to use an agency shall identify the methods that will most likely meet the agency's mission, objectives, and hiring goals. However, all recruitment methods, including any template communications and marketing materials, should be approved by the personnel authority prior to their use. These include, but are not limited to draft, sample or template:

- (a) Publications (including print and electronic publications);

- (b) Logos;
- (c) Branding and slogans;
- (d) Advertising (the term advertising includes traditional media channels — TV, radio, billboard, magazine, newspaper, etc.), as well as marketing communications that utilize new media channels, including websites, email solicitations, and other activities involved in marketing employment with the District government;
- (e) General media relations (distribution of press releases, development of external newswires, and all other activities related to media relations);
- (f) Promotional videos; and
- (g) Social media.

205.5 These provisions do not apply to any marketing strategy in use on the effective date of this section.

206 QUALIFICATION AND EVALUATION STANDARDS

206.1 The Director of the D.C. Department of Human Resources (DCHR) shall establish standards with respect to education, training, experience, suitability, physical and mental fitness, or other criteria that agencies will then use to establish specific hiring requirements and evaluate applicants and employees for placement, consistent with all applicable laws and regulations. DCHR may use the Office of Personnel Management General Schedule Qualification Standards, available at <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/>, in the development of these standards. Agencies shall be knowledgeable about, and inform DCHR of, all relevant legal requirements and any changes to these requirements.

206.2 All positions shall be classified using the Office of Personnel Management Handbook of Occupational Groups and Families, available at <https://www.opm.gov/policy-data-oversight/classification-qualifications/classifying-general-schedule-positions/occupationalhandbook.pdf>, and may be modified or otherwise established by the Director of DCHR.

206.3 Possession of a current license shall be a required qualification for all occupations and professions for which a license is required by District or federal law.

206.4 Unless otherwise provided by law, the minimum age requirement for employment with the District government is sixteen (16) years old.

206.5 Employees shall be citizens of the United States, lawful permanent residents, or otherwise authorized to work in the United States by the U.S. Citizenship and Immigration Services.

206.6 All relevant paid and unpaid job-related experience shall be considered when evaluating candidates for employment and promotion.

207 COMPETITIVE AND NON-COMPETITIVE ACTIONS

207.1 All initial appointments, placements, and subsequent assignments and promotions shall be made by open competition, unless otherwise authorized by this chapter.

207.2 Notwithstanding § 207.1, the following actions do not require open competition:

- (a) Promotions resulting from the upgrade of a position without a significant change in duties and responsibilities due to the application of a new classification standard or the correction of an initial classification error;
- (b) Promotions resulting from an employee's position being reclassified at a higher grade because of an increase in duties and responsibilities or a desk audit without planned management action;
- (c) Career ladder promotions when the original competition for the position clearly established the career ladder or when a career ladder is established due to a reclassification or desk audit;
- (d) Temporary promotions of 180 days or less;
- (e) Promotions of employees who were not properly considered during a competitive promotion action;
- (f) Promotions of employees who were erroneously denied a promotion, when ordered by the personnel authority;
- (g) Position changes made pursuant to reduction-in-force regulations;
- (h) Position changes from a position with known promotion potential to a position at the same or equivalent grade with no known promotion potential, including transfers made pursuant to § 231.2;
- (i) Re-promotions to a grade or position from which employees were demoted, when the demotions were neither disciplinary in nature nor at the employees' request;
- (j) Reassignments or transfers to a position of the same or equivalent grade with no greater promotional potential, including a reassignment from a non-supervisory to a supervisory position or a non-manager to a manager position;
- (k) Restorations to duty pursuant to § 228.1 at a grade no higher than the last position held;

- (l) Conversions of a temporary or term appointment to a regular Career Service appointment with permanent status, when the initial appointment was made through open competition within the Career Service;
- (m) Temporary and term appointments of non-educational employees at the Office of the State Superintendent of Education (OSSE) at grade 7 and below; and
- (n) Temporary and term appointments made pursuant to § 209.4 and § 219.

208 CAREER LADDERS

208.1 A career ladder is a permanent appointment with a sequential series of positions and grades, in the same line of work, with duties that increase in difficulty from the entrance level to the grade level classified as full performance.

208.2 Career ladders shall be approved by the personnel authority. The full-performance level of a career ladder shall be no higher than grade 13 for professional, scientific, and licensed professional positions, and no higher than grade 12 for all other positions.

208.3 An agency may promote an employee within his or her career ladder non-competitively up to the full-performance level of the position.

208.4 Promotions within a career ladder are not guaranteed. For an employee to be eligible for promotion within a career ladder:

- (a) The employee must meet time-in-grade requirements for the next higher-grade position;
- (b) The employee must meet the minimum qualification requirements for the next higher-grade position, including selective factors;
- (c) The employee must demonstrate to the satisfaction of his or her supervisor his or her ability to perform at the next higher-grade level;
- (d) The agency must have work available at the higher-level work to be performed; and
- (e) The agency must have available funding for the promotion.

208.5 If an agency has a limited number of career ladder promotions available, the agency may promote employees on the career ladder based on seniority, merit, or any other reasonable factor.

209 TEMPORARY AND TERM APPOINTMENTS

- 209.1 The personnel authority may make a temporary appointment for a limited period of at least ninety (90) days up to twelve (12) months. A temporary appointment may be extended, provided the aggregate temporary appointment is less than twelve (12) months. Except for appointments made pursuant to § 209.4, temporary appointments shall be made through open competition.
- 209.2 The personnel authority may make a term appointment for a limited period of no less than twelve (12) months and no more than four (4) years. Term appointments shall not be used to carry out government business for an indefinite period. Except for appointments made pursuant to § 209.4, term appointments shall be made through open competition.
- 209.3 An individual appointed to a temporary or term appointment shall meet the minimum qualifications for the position.
- 209.4 Consistent with §§ 209.1 and 209.2, the personnel authority may make temporary and term appointments without competition when:
- (a) The individual being appointed is eligible for reinstatement under § 220.1; or
 - (b) The appointment is to a position at grade 12 or below; or
 - (c) For temporary appointments specifically, there are unusual hiring needs making competition impracticable and the temporary appointment is for a period of thirty (30) days or less;
- 209.5 Notwithstanding § 209.1, a personnel authority may make a temporary appointment to a position in the Career Service for special needs for less than ninety (90) days without open competition.
- 209.6 An employee serving under a temporary or term appointment shall not acquire permanent status solely on the basis of their temporary or term appointment.
- 209.7 For appointments made under § 209.2, and except as authorized under § 209.8 the personnel authority may extend a term appointment, provided the employee does not serve in a term appointment for more than four (4) years consecutively.
- 209.8 When a term appointment is supported by grant funds, the personnel authority may extend a term appointment beyond the four (4) year limit, provided the grant supports a specific, time-limited project and is not indefinite in nature.
- 209.9 An employee continuously serving in a Career Service term appointment for more than four (4) years shall:

- (a) Be converted to a permanent position, if his or her term appointment was originally made through open competition and funding for the employee is expected to continue;
- (b) Be hired into a permanent position through open competition; or
- (c) Not be appointed to a new term.

209.10 An employee serving under a term appointment is subject to any applicable probationary period.

209.11 After satisfactory completion of the probationary period, and prior to the expiration of the appointment, separation of a term employee shall be effectuated in accordance with Chapter 16.

209.12 The employment of an individual under a temporary or term appointment shall end on the expiration date of the appointment, on the expiration date of any extension granted by the personnel authority, or upon separation prior to the specified expiration date in accordance with this section.

209.13 A temporary employee may be separated without notice prior to the expiration date of the appointment, and without regard to the reduction in force provisions set out in Chapter 24.

209.14 Except for those excluded by § 240.1, appointments to the Educational Service (ES) are without job tenure and a date specifying the duration of a time-limited ES appointment shall have no effect on the employee’s job tenure status.

210 JOB POSTINGS AND AREAS OF CONSIDERATION

210.1 Each competitive appointment shall be advertised for not less than three (3) days.

210.2 The area of consideration for each posting shall be sufficiently broad to ensure the availability of high-quality candidates, considering the nature and level of the position(s). For most job postings, the area of consideration will be:

- (a) The public;
- (b) District employees;
- (c) Agency employees; or
- (d) Participants in special employment programs pursuant to § 219.3.

210.3 The minimum area of consideration shall be the agency, unless otherwise authorized by this chapter or the personnel authority.

210.4 Hiring by subordinate agencies for entry-level positions shall first be conducted pursuant to Section 801(b-1) of the Comprehensive Merit Personnel Act, effective

Mar. 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01(b-1). If no one is selected through this process, then the position shall be filled using the procedures set out in this chapter.

211 INITIAL SCREENING, RATING, AND RANKING

- 211.1 This section applies to the initial selection of an appointee, and to the selection for internal placement of an employee when the internal placement is by open competition.
- 211.2 The personnel authority shall evaluate applicants on a 100-point scale.
- 211.3 The hiring process shall consist of an initial screening and up to a maximum of three (3) additional rounds of assessment.
- 211.4 Any employment preference points claimed by the applicant shall be added to his or her score in the initial screening process.
- 211.5 Each applicant who meets the minimum requirements for the position and who receives a score of seventy (70) points or more during the initial screening process is eligible for consideration for appointment. Applicants who do not receive a score of at least seventy (70) points shall be ineligible for further consideration.

212 EMPLOYMENT PREFERENCES

- 212.1 Applicants for employment may be eligible to receive advanced standing towards placement when they claim one or more employment preferences: residency preference, veterans' preference, or foster care youth preference.
- 212.2 An applicant who claims and qualifies for one or more employment preferences receives advanced standing towards placement by having each preference added to their initial screening score.
- 212.3 Applicants who claim an employment preference must provide documentation establishing eligibility. Applicants who fail to provide documentation shall have their application removed from consideration or their contingent offer of employment rescinded.

213 RESIDENCY PREFERENCE

- 213.1 All job postings shall inform District candidates of their eligibility for any applicable residential hiring preference. Such job postings shall also inform candidates of the requirement to remain a District resident for seven (7) years if selected exercising the preference.
- 213.2 A District resident who claims residency preference shall be awarded a ten (10)-point hiring preference. The candidate must be a District resident at the time of application to claim preference.

213.3 Applicants who claim residency preference must certify that they are residents of the District and agree, in writing, to maintain residency for a period of seven (7) consecutive years from the date they are hired into the District government notwithstanding any subsequent details, reassignments, transfers, promotions, demotions, or any other internal movement.

213.4 Applicants who claimed residency preference shall furnish proof of residency in a manner prescribed by the personnel authority.

214 VETERANS' PREFERENCE

214.1 A veteran who claims and qualifies for a veterans' preference and meets the qualifications of the position shall be awarded either a five (5)-point or ten (10)-point hiring preference. Points awarded shall vary based on the type of veterans' preference claimed.

214.2 A veteran is eligible to claim a five (5)-point preference when he or she has:

- (a) Served in the armed forces of the United States in the Army, Navy, Air Force, Marine, or Coast Guard Service;
- (b) Served for more than 180 consecutive days during a time of war, inclusive of contingency operations as defined under 10 U.S.C. § 101 (a)(13);
- (c) Been separated from the armed forces through an honorable or general discharge; and
- (d) Separated from the armed forces no more than five (5) years prior to the request for veterans' preference.

214.3 A person who was separated with other than an honorable or general discharge may be entitled to the preference if they can show, to the satisfaction of the personnel authority, that the discharge was the result of discrimination. A veteran asserting his or her discharge was because of discrimination shall submit a claim and supporting evidence to the personnel authority. The decision of the personnel authority shall be final.

214.4 Any employee of the District who was entitled to veterans' preference under federal law on January 1, 1979, and who has served in the federal government continuously since that date without a break in service of three (3) days or more, shall be entitled to the same preference for the duration of their service with the District.

214.5 An eligible veteran who has a service-connected disability or is receiving compensation, disability retirement benefits, or a pension because of a public law administered by the U.S. Department of Veterans Affairs or a military department, may claim five (5) more points in addition to the points he or she receives pursuant to § 214.2(a)-(c) for a total of ten (10) points, subject to the five (5) year limit established at § 214.2(d). However, the five (5) year limit shall not apply to veterans

who are classified by the U.S. Department of Veterans Affairs as suffering a medical impairment of 30 percent or more.

- 214.6 The spouse or domestic partner of a disabled veteran may claim a ten (10)-point hiring preference when the veteran is not fit to hold a District government position within the veteran's primary occupation because of a service-connected disability but would otherwise be eligible for veterans' preference.
- 214.7 A spouse or former domestic partner of a service member who dies while on active duty may be eligible to claim a ten (10)-point hiring preference. To be eligible, the applicant must not have remarried or entered into a new domestic partnership following the death of the service member. In addition, to be eligible, the former service member's death must have occurred under circumstances that would not have been cause for separation with other than an honorable or general discharge.
- 214.8 There is no time limit for an eligible spouse or domestic partner to claim a veterans' preference.
- 214.9 Retirees of the armed forces shall not be eligible to receive the preference.
- 214.10 Veterans shall be required to furnish one or more of the following documents upon request to receive veterans' preference points:
- (a) A copy of the Department of Defense Form 214 (DD 214), Certificate of Release or Discharge from Active Duty;
 - (b) Certificates indicating Honorable Discharge or General Discharge under honorable conditions or documentation provided to establish eligibility pursuant to § 214.3;
 - (c) Certificate of transfer to Fleet Naval or Marine Corps Reserve;
 - (d) Certificate of transfer to Enlisted Reserve Corps;
 - (e) Report of separation from Service Department, provided honorable separation is shown;
 - (f) Certificate of Satisfactory Service of release from active duty;
 - (g) Official statement from Service Department that honorable separation was effectuated; or
 - (h) Certification from the U.S. Department of Veterans Affairs indicating that the veteran has a service-connected disability.

215 FOSTER CARE YOUTH EMPLOYMENT PREFERENCE

- 215.1 A person who applies for a competitive appointment or promotion and who, at the time of application, is 18 to 21 years of age and is in foster care, or who is within five (5) years of leaving foster care, may be awarded a 10-point hiring preference. To be awarded the foster care youth hiring preference, the applicant must:
- (a) Currently be in a foster care program administered by the Child and Family Services Agency (CFSA); or
 - (b) Currently be a resident of the District and have left a foster care program administered by CFSA within the last five (5) years.
- 215.2 To receive preference, the applicant must provide a letter or other documentation satisfactory to the personnel authority, from CFSA or the Family Court of the D.C. Superior Court showing that the applicant is currently in foster care or showing the date the applicant left CFSA's supervision.

216 ELIGIBLE APPLICANTS

- 216.1 Pursuant to § 211.5, each applicant who meets the minimum requirements for the position and who receives a score of seventy (70) points or more during the initial screening process is eligible for consideration for appointment. The eligible applicants comprise the "register" of eligible applicants.
- 216.2 For purposes of § 216.1, the personnel authority may develop and implement rating and ranking tools necessary for validating applicant scores and assessing candidates. If an applicant's initial screening score is invalidated using these tools, the candidate may be rejected from further consideration.
- 216.3 A register shall remain in existence until exhausted, except when an earlier termination date is authorized by the personnel authority.
- 216.4 The personnel authority may require an applicant to provide documentary evidence of his or her qualifications and eligibility for any employment preference claimed prior to his or her inclusion in the register.
- 216.5 At the option of the selecting official, the number of applicants forwarded to the selecting official for his or her consideration shall be either the top five (5) or top ten (10) highest-scoring candidates.
- 216.6 Selecting officials shall employ assessment tools consistent with §§ 217 and 218 to select appointees from the applicants forwarded for consideration. If the position is not filled from the forwarded applicants, the selecting official shall provide a written justification for non-selection. Thereafter, the next five (5) or ten (10) highest scoring candidates shall be submitted to the selecting official for consideration. This pattern of justification for non-selection and submission of

candidates to the selecting official shall continue until the position is filled or the register is exhausted.

- 216.7 Agencies may seek approval from the personnel authority to select candidates based on their initial screening scores rather than subsequent assessments or evaluations. When this occurs, the candidate who receives the highest score shall be given a conditional offer of employment for the position. In the event more than one candidate is tied for the highest score, a candidate shall be appointed based on the following order of priority:
- (a) First, applicants claiming residency preference;
 - (b) Second, applicants claiming veterans' or foster care preference;
 - (c) Third, the earliest submitted application, based on the time and date of application.
- 216.8 Notwithstanding § 402.2, whenever an agency considers a current or former District of Columbia employee for a competitive appointment, the personnel authority shall conduct a general suitability assessment.
- (a) Such an assessment shall include determining the candidate's prior conduct and performance with the District government, the reason(s) for prior separating from each position held and consulting government officials with personal knowledge as to the candidate's past work performance.
 - (b) As with any candidate for government service, the personnel authority shall conduct at least three (3) reference checks. References should generally include individuals identified by both the candidate and the personnel authority.
- 216.9 Should a candidate subsequently fail to meet any suitability requirements pursuant to Chapter 4, the selecting official may select another candidate in accordance with §§ 216.5 through 216.7.
- 216.10 Any candidates remaining on a register after a selection has been made may be transferred to the register for any established vacancy with the same area of consideration. The personnel authority is not required to make such a transfer.
- 217 ASSESSMENTS, EVALUATIONS, AND SELECTION PROCEDURES**
- 217.1 All selection criteria shall be based on a job analysis of a single position, group of positions, an occupation, or a group of occupations having common characteristics. Selection criteria shall, at a minimum, include:
- (a) The basic duties and responsibilities; and

- (b) The knowledge, skills, and abilities required to perform those duties and carry out the responsibilities in a manner that honors the public trust.

217.2 Competitive selection procedures shall:

- (a) Consist of written, oral, or performance examinations, or two or more of these examination types;
- (b) Be practical in character and fairly test the relative ability and fitness of candidates for jobs to be filled;
- (c) Result in selection from among the best qualified candidates;
- (d) Be developed and used without bias; and
- (e) Comply with other requirements of applicable equal employment opportunity laws.

217.3 All competitive selection procedures shall be properly validated prior to their use.

- (a) Upon request, agencies shall provide the personnel authority with evidence that the selection procedures used minimize or eliminate discrimination.
- (b) Evidence validating competitive selection procedures should demonstrate that the procedure used is predictive of or significantly correlated with required job performance.

217.4 The personnel authority may refuse to examine, refuse to declare as eligible after examination, or withhold or withdraw from certification prior to appointment, any person who fails to meet the requirements of the position.

217.5 The personnel authority shall permit the rescheduling or alternate scheduling of an examination or interview for a candidate who was unable to attend the administration of an examination or interview because of the following:

- (a) Reserve or National Guard drill or summer camp;
- (b) Religious beliefs;
- (c) Illness or injury of sufficient seriousness as to require hospitalization;
- (d) An administrative error on the part of the examining office; or
- (e) Other reason acceptable to the personnel authority.

218 INTERVIEW PANELS AND OTHER ASSESSMENT TOOLS

218.1 Baseline interview questions and other assessment tools, such as writing exercises, must be submitted to the recruitment specialist prior to the evaluation of candidates.

- 218.2 When interviews are not used, assessment tools beyond the initial screening, such as writing samples or written examinations, shall be scored on a 100-point scale. Any preference points applied during the initial screening phase shall be added to points earned on the new 100-point scale.
- 218.3 When used, interview panels shall be comprised of a minimum of three (3) and maximum of five (5) individuals who have experience in or in-depth knowledge of the requirements of the position.
- (a) At least fifty percent (50%) of the interview panel shall be District government employees.
 - (b) Interview panelists shall be no more than one (1) grade lower, or its equivalent, than the position to be filled.
- 218.4 When developing a list of panel members, agencies shall identify two (2) alternates who may serve on the panel in the event a panelist is unable to attend an interview due to a personal emergency or scheduling conflict. Names of alternates must be provided to the recruitment specialist prior to the evaluation of candidates.
- 218.5 During, or immediately following a candidate interview, each panelist shall make notes of candidates' responses to interview questions.
- 218.6 After all candidates have been interviewed, a selection shall be made by majority vote of the panel.
- (a) Interviews shall not be scored.
 - (b) Additional assessment tools, such as writing samples and examinations, may be considered within the context of the interviewing process, but shall not be scored directly.
- 218.7 Final selections must be submitted to the recruitment specialist within two (2) days of the date of the last interview or assessment and shall include a written justification for the selection.
- 218.8 Final selections shall not be authorized without interview notes or other rating criteria from non-interview assessments, whichever applies.
- 218.9 Notwithstanding § 218.3, an agency head, or his or her designee, may interview a final selectee. Based on the interview, the selectee may be rejected. Whenever a final selectee is rejected, the agency head, or his or her designee, shall create a record establishing the specific business justification(s) for the rejection. In the event the final selectee is rejected, the selecting official may return to the existing register of applicants to make a new selection.

219 SPECIAL EMPLOYMENT PROGRAMS

- 219.1 Personnel authorities shall establish employment programs designed to attract and utilize persons with minimal qualifications, but potential for employment, and other appropriate target groups to provide career development opportunities.
- 219.2 A person appointed under § 219.1 shall be given a time-limited, temporary or term appointment.
- 219.3 An employee serving in a Career Service position in a program established under this section or a special Excepted Service appointment as defined at D.C. Official Code § 1-609.04(2) may be converted to a permanent Career Service position based upon competition limited to participants in the respective program.
- 219.4 An employee converted to a permanent Career Service position pursuant to § 219.3 is subject to any applicable probationary period.

220 REINSTATEMENTS

- 220.1 Except for a person who has a retreat right to a position in the Career Service as provided in Chapters 9 and 10, a person who has served for at least three (3) years shall receive permanent reinstatement eligibility following the date of his or her separation from District government employment if he or she:
- (a) Previously held a permanent Career Service appointment;
 - (b) Was not terminated for cause; and
 - (c) Meets the minimum qualifications for the position.
- 220.2 A person having reinstatement eligibility may be appointed noncompetitively to a position with no greater promotional potential than that available under his or her last permanent Career Service position, and at an equivalent grade no higher than the grade of his or her last permanent Career Service position.
- 220.3 A person reinstated pursuant to this section shall be appointed to a permanent Career Service position.

221 OFFERS OF EMPLOYMENT

- 221.1 All salaries shall be offered and negotiated in accordance with Chapter 11.
- 221.2 An offer shall be conditioned on any general or enhanced suitability screening required under Chapter 4.
- 221.3 No enhanced suitability screening shall be performed prior to the candidate receiving and accepting a conditional offer of employment.

222 ORIENTATION AND ONBOARDING

- 222.1 The personnel authority shall design an onboarding program that acclimates employees to the culture and values of the District government and to the employee's respective agency. At minimum, the onboarding program shall include a comprehensive orientation.
- 222.2 Employee orientation programs shall include:
- (a) An overview of the District government's history, operations, mission, vision, and values; and
 - (b) Information on the District government's benefits and retirement programs, workplace wellness initiatives, and other employee benefit programs.
- 222.3 Agencies shall provide new employees with an overview of the agency's history, mission, vision, and values and how they align with the overall mission of the District government and the Mayor. Agency level orientation programs shall also provide an overview of any applicable agency standard operating procedures, including but not limited to any policies relating to tours of duty, leave, and time reporting.

223 PROBATIONARY PERIODS

- 223.1 An agency shall utilize the probationary period as fully as possible to determine the employee's suitability and qualifications as demonstrated by the employee's knowledge, skills, and abilities as well as his or her conduct.
- 223.2 Generally, a person appointed to a Career Service position shall be required to serve a probationary period of one (1) year. However, individuals appointed to the following positions shall serve a probationary period of eighteen (18) months:
- (a) Individuals hired into correctional officer positions in the Department of Corrections and youth development representative positions in the Department of Youth Rehabilitation Services; and
 - (b) Individuals hired into emergency or non-emergency operations positions in the Office of Unified Communications.
- 223.3 For purposes of § 223.1(b), "operations positions" mean telephone equipment operators, customer service representatives, and dispatchers.

224 EXTENDING PROBATION

- 224.1 Notwithstanding § 224, the personnel authority may identify classes of positions that shall be subject to a probationary period of longer than one (1) year.

- 224.2 Factors or conditions that would warrant a probationary period requirement longer than one (1) year for a specific class of positions include, but are not limited to:
- (a) An agency's need to provide new hires with formalized classroom or field training, or both, that is pertinent to the position;
 - (b) An agency's use of a standardized training evaluation system for new hires, the successful completion of which is a pre-requisite for a new hire to be able to perform the duties of the position; or
 - (c) A new hire's need to complete courses or training necessary for receiving certification(s) required for the position.
- 224.3 An agency seeking a probationary period of longer than one (1) year shall submit a written request for authorization to the personnel authority. The justification shall detail the factors or conditions warranting the longer period, with specific reference to the factors outlined in § 224.2, if applicable.
- 224.4 Classes of positions subject to probationary periods of longer than one (1) year shall be published online by the personnel authority. Failure to publish classes of positions subject to a probationary period longer than one (1) year shall not affect the existence of the probationary period.

225 COMPLETING PROBATION

- 225.1 Satisfactory completion of the probationary period is a prerequisite to continued employment in the Career Service.
- 225.2 Upon initial appointment, a probationary employee shall be informed of the performance expectations for his or her position. The performance of a probationary employee shall be evaluated as specified in Chapter 14.
- 225.3 Service credit toward completion of the probationary period shall be given for the following absences:
- (a) Leave with pay, except for:
 - (1) Leave authorized under § 227.3 unless the separation is subsequently reversed; and
 - (2) Leave in excess of ten consecutive (10) days;
 - (b) Military duty;
 - (c) Leave due to a disability arising from work with the District government; and

- (d) Separations, suspensions, or furloughs that are subsequently reversed by a personnel authority, an administrative tribunal, or a court.

- 225.4 The probationary period required by § 223 shall be extended for each workday that an employee is in a non-pay status for any reason.
- 225.5 A probationary employee who receives paid family leave shall have their probationary period extended by the length of the paid family leave pursuant to § 1286.9.
- 225.6 An employee who is transferred, promoted, or reassigned before they complete probation shall be required to complete the remaining portion of his or her probationary period.
- 225.7 Upon the employee's return from active military duty an employee shall be required to complete the remaining portion of his or her probationary period, if he or she entered such military duty before completing probation and did not complete probation through service credit during active military duty, and if he or she has restoration rights in accordance with §§ 228 and 220.
- 225.8 Service completed under a temporary or term Career Service appointment or under a special appointment in the Excepted Service as defined in D.C. Official Code § 1-609.04(2) shall be creditable toward completion of the probationary period if:
- (a) The service was rendered immediately preceding the appointment or conversion to the permanent Career Service position; and
 - (b) A new probationary period would not otherwise be required pursuant to § 226 if the employee had satisfactorily completed probation.
- 225.9 No leave granted during a period of advanced notice of termination shall be credited toward completion of the probationary period unless the separation is subsequently reversed.

226 NEW PROBATIONARY PERIODS

- 226.1 Except when the appointment is affected with a break in service of three (3) days or more, or as otherwise specified in this chapter, an employee who once satisfactorily completed a probationary period in the Career Service shall not be required to serve another probationary period.
- 226.2 An employee who once satisfactorily completed a probationary period in the Career Service shall be required to serve another probationary period when the employee:
- (a) Is appointed through open competition to a position with a different educational requirement;

- (b) Applies for and is appointed from a register to a uniformed position in the Metropolitan Police Department or the Fire and Emergency Medical Services Department; or
- (c) Is appointed through open competition to a position with different licensure, certification, or other similar requirements.

227 SEPARATION OF PROBATIONARY EMPLOYEES

- 227.1 Whenever a Career Service employee fails to perform his or her duties at a satisfactory level during the probationary period, probation shall be terminated and the employee shall be separated from government service.
- 227.2 When an employee is separated pursuant to § 227.1, the personnel authority shall notify the employee in writing of the effective date of the separation.
- 227.3 The personnel authority may provide a probationary employee advanced written notice of his or her separation and may place the employee on administrative leave for up to ten (10) days prior to the effective date of the separation.
- 227.4 Separation from government service during a probationary period is neither appealable nor grievable.

228 RETURNING TO DUTY

- 228.1 The following “covered” employees are eligible to be returned to duty:
- (a) Employees whose absences from their positions are necessitated by military service and who have reemployment rights and benefits pursuant to 38 U.S.C. § 4312;
 - (b) Employees who are receiving disability compensation pursuant to Title 7, Chapter 1, of these regulations; and
 - (c) Uniformed members of the Metropolitan Police Department (MPD) and Fire and Emergency Medical Services Department (FEMS) who are retired because of disability pursuant to D.C. Official Code §§ 5-709 or 5-710.
- 228.2 Except for uniformed members of MPD and FEMS who have been retired for disability, an agency shall:
- (a) Identify the position vacated and maintain necessary records to ensure rights and benefits are granted as required;
 - (b) Consider covered employees for all promotions for which the employee would have been considered had the employee not been absent;

- (c) If the position of the covered employee is reclassified to a higher grade, place the employee in the regraded position upon restoration to duty; and
- (d) If the position or function of the covered employee is moved to another agency, and the employee would have been moved with the function, the gaining agency shall retain the employee in the same or like position, with no adverse financial impact on the employee, and shall assume the responsibility of restoring the employee to duty.

228.3 When it can be determined that the employee would have received a promotion had he or she not been absent, the employee shall be promoted effective on the date the promotion would have been made had the employee not been absent.

228.4 Unless occupied by an employee in a higher retention group under Chapter 24, an employee covered by § 228.1(a) or (b) shall be restored to a position of like status and pay in the following order of priority:

- (a) To the position he or she would have been promoted to, or its equivalent, during their absence;
- (b) To the employee's former position; or
- (c) To the next best available position in the employee's agency for which the employee is qualified.

228.5 If two (2) or more employees are entitled to be returned to the same position, the employee who left his or her position first shall be returned first.

228.6 If an agency is abolished and its functions are not transferred to another agency, the personnel authority shall secure a list of all employees having return-to-duty rights under this section and shall carry out the return-to-duty process as required.

229 RETURNING FROM MILITARY DUTY

229.1 An employee who is covered by § 228.1(a) may resign or may be either separated or furloughed, *i.e.*, placed on leave without pay status, by the District while he or she is on military duty by his or her agency. Regardless of the nature of the administrative action taken, all such employees shall be entitled to be returned to duty pursuant to this section. Employees who are eligible for military leave pursuant to § 1262 may use military leave.

229.2 An agency shall not demote or separate an employee while the employee is on furlough or military leave pursuant to § 1262. If the employee's position is abolished during his or her absence, the agency shall reassign the employee to another position of like status and pay upon returning to duty with the District government.

229.3 If an employee returning from military duty applies for re-employment within ninety (90) days after discharge from service, or from hospitalization continuing after discharge for a period of not more than one (1) year, the employee shall be returned to duty as soon as possible, but no later than thirty (30) days after submitting his or her complete application.

229.4 When a disability sustained during military duty disqualifies an employee from returning to a position of right, the personnel authority shall return the employee to duty in a position for which he or she is qualified and provides like status and pay, to the extent possible.

230 RETURNING FROM A WORKPLACE DISABILITY

230.1 An agency shall carry employees covered under § 228.1(b) on leave without pay for two (2) years (the “two- (2) year period”) from the date of lessening of disability as determined by the Public Sector Workers’ Compensation Program or, in the case of an employee holding a temporary or term appointment, until the expiration of the appointment, whichever occurs first.

230.2 At the end of the two- (2) year period, an agency shall separate the employee according to the procedures established in § 1605. An employee holding a temporary or term appointment that expires during the two- (2) year period shall be separated upon the expiration of his or her temporary or term appointment.

230.3 While on leave, employees shall be subject to the same terms and conditions of employment as though the disability had not occurred.

230.4 When an employee is medically capable of resuming full-time employment, the employee shall be immediately returned to duty in his or her former position, or its equivalent, unless the employee is no longer fit for duty or held a temporary or term appointment that expired. For purposes of this subsection, an equivalent position includes a reassignment or transfer to another position at no less than the employee’s preinjury salary.

230.5 When an employee is not medically capable of resuming full-time employment because of compensable injury within the two- (2) year period, and is separated pursuant to § 230.2, the employee shall be provided priority consideration for re-employment to the position he or she occupied, or its equivalent, provided he or she is fit for duty and applies for re-employment within thirty (30) days of termination of workers’ compensation indemnity payments.

231 TRANSFERS

231.1 A transfer occurs when an employee moves from a position under one personnel authority to another position under a different personnel authority. Transfers shall be coordinated between the respective personnel authorities.

231.2 An employee may be transferred noncompetitively from his or her current position to a new position under a different personnel authority when the new position is of the same or equivalent grade and has no additional promotional potential.

231.3 Whenever a transfer alters the substantive rights or benefits of an employee, the employee must agree to the transfer in writing. Substantive rights and benefits include, but are not limited to, employee movements from a unionized position to a non-unionized position and a change in the employee's enhanced suitability requirements.

232 REASSIGNMENTS

232.1 A reassignment occurs when an employee is permanently moved from one position to another at the same or equivalent grade within an agency or to another agency under the same personnel authority.

232.2 A personnel authority may reassign an employee to another position when the reassignment is to a position in the same service (Career or Educational) at an equivalent grade with no additional promotional potential, and the employee is qualified for the new position.

232.3 Whenever a reassignment alters the substantive rights or benefits of an employee, the employee must agree to the reassignment in writing. Substantive rights and benefits include, but are not limited to, employee movements from a unionized position to a non-unionized position and a change in the employee's enhanced suitability requirements.

233 DETAILS

233.1 A detail occurs when an employee is temporarily reassigned to a position at the same or equivalent grade.

233.2 Details may be made within an agency or to another agency under the same personnel authority. Details are also authorized between personnel authorities provided both authorities agree to the details.

233.3 Details shall be temporary in nature to meet a time-limited employment need of not more than 180 days.

233.4 The personnel authority may extend the time limit established in § 233.3 for good cause.

234 PROMOTIONS

234.1 A promotion occurs when an employee is permanently appointed to a position at a higher equivalent grade or to a position with additional promotional potential.

- 234.2 Promotions may be made within an agency or to another agency under the same personnel authority. A promotion is also authorized between personnel authorities provided both authorities agree to the promotion.
- 234.3 Except as provided in § 207.2 or § 228.3, employees shall be promoted using competitive appointment procedures.
- 234.4 To be eligible for promotion, a candidate shall meet the minimum qualification standards adopted for the position and time-in-grade requirements.
- 234.5 The personnel authority shall ensure that each employee within the area of consideration who is absent for a legitimate reason receives appropriate consideration for promotion. Absences for legitimate reasons include, but are not limited to, absences due to detail, authorized leave, training, military service, disability, and temporary assignments pursuant to Chapter 27.

235 TEMPORARY PROMOTIONS

- 235.1 A temporary promotion occurs when an employee is reassigned to a different position at a higher equivalent grade or to a position with additional promotional potential to meet a time-limited employment need.
- 235.2 Temporary promotions may be made to positions within an agency or to another agency under the same personnel authority. A temporary promotion is also authorized between personnel authorities provided both authorities agree to the temporary promotion.
- 235.3 Temporary promotions shall last no fewer than thirty (30) days and, except as provided in § 235.7, no longer than four (4) years to fulfill a specific time-limited need or project.
- 235.4 An agency may temporarily promote an employee without competition for no longer than 180 days. Agencies shall use competitive appointment procedures for temporary appointments that exceed 180 days.
- 235.5 Employees who are temporarily promoted shall be notified in writing as to the terms of the temporary promotion, including the date the promotion expires.
- 235.6 The personnel authority may extend a temporary promotion so long as the total length of the temporary promotion does not exceed four (4) years, except that this period may be extended as provided in § 235.7. Any changes in the terms of a temporary promotion, including its duration, shall be reduced to writing and provided to the employee.
- 235.7 When a temporary promotion is supported by grant funds, the personnel authority may extend a temporary promotion beyond the four (4) year limit, provided the grant supports a specific, time-limited project and is not indefinite in nature.

235.8 Upon fulfillment of the temporary employment need, completion or termination of the assigned project, or the expiration of the temporary promotion, whichever occurs first, the agency shall return the employee to the position from which he or she was temporarily promoted or to a position with equivalent pay and promotional potential for which he or she is qualified.

235.9 Competitive temporary promotions may be made permanent without further competition.

236 DEMOTIONS

236.1 A demotion occurs when an employee is permanently reappointed from his or her current position to a new position at a lower equivalent grade or to a position with lesser promotional potential.

236.2 Demotions may be made within an agency or to another agency under the same personnel authority. Demotions are also authorized between personnel authorities provided both authorities agree to the position change.

236.3 A personnel authority may demote a Career Service employee for cause pursuant to the procedures established in Chapter 16, provided the employee qualifies for the new position.

236.4 An employee may voluntarily accept a demotion to a new position, provided the employee is qualified for and accepts the new position with the lesser rights or benefits in writing.

237 RESTRICTIONS ON EMPLOYEE MOVEMENT

237.1 Employees may be detailed, reassigned, transferred, or promoted, consistent with this chapter, provided the employee has served in his or her current position for at least three (3) months. Three (3) months of service is not required for position changes due to reclassification.

237.2 A detail, reassignment, transfer, or promotion to a position with less rights or benefits may only be effected when the employee waives those rights or benefits in writing. Such a waiver shall be included in the employee's official personnel record.

237.3 No Career Service employee may be detailed, temporarily promoted, reassigned, or transferred from a non-covered position to a covered position, as defined by Chapter 4, unless the employee first agrees in writing to the required enhanced suitability screenings.

237.4 Except when waived, any employee's right to continued employment shall not be impacted by a promotion, demotion, or reassignment.

237.5 An agency may move an employee from one position to another when:

- (a) All necessary classification actions have been completed;
- (b) The employee satisfies all qualifications and other requirements; and
- (c) For movements involving involuntary reduction in grade, rank, or pay, the applicable procedural requirements have been met.

238 TIME-IN-GRADE REQUIREMENTS

238.1 Employees may advance by promotion or appointment no more than one (1) grade interval, except when he or she meets the following time-in-grade requirements:

- (a) For employees at grade 12 or above, only after he or she has served one (1) year at the next lower grade, or the equivalent;
- (b) For an employee at grades 6 through 11, only after he or she has served:
 - (1) One (1) year in a position two (2) grades lower, or its equivalent, when the position to which he or she is advanced is in a line of work properly classified at two (2) grade intervals; or
 - (2) One (1) year at the next lower grade, or its equivalent, when the position to which he or she is advanced is in a line of work properly classified at one (1) grade intervals; and
- (c) An employee may be advanced to a position at grade 5 or below without regard to time-in-grade requirements.

238.2 Notwithstanding § 238.2, the personnel authority may, but is not required to, waive the time-in-grade requirement when the employee competes for the higher-graded position and is selected based on objective business criteria. Objective business criteria include:

- (a) The employee's work experience, including prior work performed at or above the new grade;
- (b) The employee's education, superior academic credentials, or superior academic achievements; and
- (c) Internal equity.

238.3 If selected for the higher-grade position, an employee who was granted a waiver of the time-in-grade requirements shall be required to complete one (1) year of service in the new position before he or she is eligible for further promotion.

238.4 When applying the time-in-grade requirements of this section and crediting prior service and experience towards meeting time-in-grade, an employee will receive credit for:

- (a) Prior District or federal government service under an appointment at the same or higher grade than the employee's current appointment;
- (b) Any relevant specialized experience with the military, state, or local governments, or with the private sector; and
- (c) Any relevant college or university education.

238.5 The personnel authority shall develop procedures for the granting of waivers of the time-in-grade requirements and the circumstances and conditions for crediting prior service towards meeting time-in-grade.

238.6 The personnel authority may not grant time-in-grade waivers for career ladder promotions.

239 [RESERVED]

240 EMPLOYEES IN THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

240.1 An individual appointed, or one reappointed, to a position within the Educational Service in the Office of the State Superintendent of Education (OSSE) shall serve without tenure, except for employees:

- (a) Organized under a collective bargaining unit;
- (b) Appointed before January 1, 1980;
- (c) Based at a local public or public charter school or who provide direct services to individual students; or
- (d) Serving with tenure as required by court order.

240.2 Except for the State Superintendent of Education and any Excepted Service employees, every employee of OSSE shall be classified as an Educational Service employee.

240.3 An OSSE employee in the Educational Service shall serve a one (1)-year probationary period from his or her date of hire and may be terminated without notice or evaluation. Separation from government service during a probationary period is neither appealable nor grievable.

240.4 Except for those excluded by § 240.1, and notwithstanding § 1602.1, OSSE employees in the Educational Service who have satisfied their probationary period serve "without job tenure" and may be separated for any reason, or no reason at all, provided the employee:

- (a) Receives at least a fifteen (15)-day advanced notice of the separation; and

- (b) Received at least one (1) performance evaluation, either in writing or verbally, at least thirty (30) days prior to and no longer than six (6) months before the separation.

240.5 An employee referred to in § 240.4 may be terminated without notice or evaluation for the following reasons:

- (a) Conviction of a felony at any time following submission of an employee’s job application;
- (b) Conviction of any type of crime at any time following submission of an employee’s job application when the crime is relevant to the employee’s position, job duties, or job activities;
- (c) Commission of any knowing or negligent material misrepresentation on an employment application or other document given to a government agency;
- (d) Commission of any on-duty or employment-related act or omission that the employee knew or reasonably should have known is a violation of law; or
- (e) Commission of any on-duty or employment-related act that is gross insubordination, misfeasance, or malfeasance.

240.6 An employee terminated for non-disciplinary reasons pursuant to § 240.3 may be given separation pay in accordance with § 913.

240.7 Sections 1614 and 1625 shall not apply to employees separated pursuant to § 240.3.

241 PROHIBITED PRACTICES

241.1 No person shall interfere in the competitive process by influencing another person to withdraw from competition for any position, for the purpose of either improving or injuring the prospects of any applicant for appointment or selection.

241.2 No public official or personnel authority may appoint, employ, promote, or advance an individual in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official who is serving in or exercising jurisdiction or control over the agency and is a relative of the individual.

299 DEFINITIONS

299.1 For the purposes of this chapter, the following definitions apply:

Area of consideration — the area in which applications will be accepted in a specific recruitment action.

Break in service — the period between separation and reemployment.

Career ladder — A career ladder is a permanent appointment with a sequential series of positions and grades, in the same line of work, with duties that increase in difficulty from the entrance level to the grade level classified as full performance.

Career Service — all positions, including part-time positions, of the District government that are not included in the Educational Service, Excepted Service, Legal Service, Management Supervisory Service, or Executive Service.

Conversion — the changing of a temporary or term Career Service position to a permanent Career Service position.

Days — calendar days for all periods of more than ten (10) days and business days for all periods of ten (10) days or less.

Demotion — the permanent appointment of an employee from his or her current position to a new position at a lower equivalent grade or to a position with lesser promotional potential.

Detail — the temporary reassignment of an employee to another position at the same or equivalent grade.

Employee — an individual who performs a function of the District government and receives compensation for the performance of such services, excluding contractors and their employees or subcontractors.

Equivalent grade — when comparing two (2) salary schedules, two (2) grades on the respective schedules are equivalent when the midpoint salaries for both grades are plus or minus ten percent (+/- 10%).

Foster care — Twenty-four (24)-hour substitute care for children placed away from their parents or guardians for whom the Child and Family Services Agency has placement care and responsibility.

Foster child — a child who comes under the jurisdiction of the Superior Court of the District of Columbia pursuant to D.C. Official Code § 16-2320 or whose parents' parental rights have been relinquished pursuant to D.C. Official Code § 4-1406.

Manager — an employee vested with the authority to direct the work of an organization; held accountable for the success of specific line or staff functions; responsible for supervision of staff, monitoring and evaluating the process of an organization toward meeting goals; and making adjustments in objectives, work plans, schedules, and commitment of resources. A manager serves as a head or assistant head of a major

organization or specialized project of marked difficulty, responsibility, or community significance.

Open competition — a hiring process that considers all applicants within an area of consideration for a given job.

Personnel authority — an individual or entity authorized by law to implement personnel rules and regulations for employees of an agency or group of agencies of the District of Columbia. For purposes of this chapter, the Mayor's personnel authority is delegated to the Director of D.C. Department of Human Resources.

Planned management action — an action wherein management has a recognized option or alternative to assign work between two (2) or more employees and assigns the work to a particular employee.

Position change — a promotion, demotion, reassignment, or transfer.

Probationary period — except otherwise specified in this chapter, a one-year (1-year) trial period when an employee must demonstrate his or her qualification and ability for the position.

Promotion — the change of an employee to a position at a higher equivalent grade or with additional promotional potential.

Public official — an officer, an employee, or any other individual in whom authority by law, rule, or regulation is vested, or to whom the authority has been delegated to select, appoint, employ, promote, reassign, demote, separate, or recommend individuals for any of these actions.

Qualified candidates — those who meet established qualification requirements for the position, including any selective factors.

Reassignment — the permanent change of an employee from one position to another without promotion or demotion under the same personnel authority.

Relative — a person's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Register — a list of eligible applicants for a given vacancy announcement.

Selective factors — knowledge, skills, or abilities essential for successful performance of a job, which are in addition to the basic qualification standard for a position.

Temporary appointment — a time-limited appointment as described in § 209.1.

Temporary promotion — a time-limited promotion as defined in § 235.1.

Term appointment — a time-limited appointment as described in § 209.2

Transfer — movement of an employee from one personnel authority to another personnel authority at the same equivalent grade and with the same promotional potential.

Chapter 7, EQUAL EMPLOYMENT OPPORTUNITY AND VETERANS PREFERENCE, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is repealed.

Chapter 8, CAREER SERVICE, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is renamed POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES EMPLOYEES.

Sections 800 through 869 of Chapter 8, POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES EMPLOYEES, of Title 6-B DCMR, GOVERNMENT PERSONNEL, are amended to read as follows:

800 – 806 [RESERVED]

807 AGE REQUIREMENTS AND LIMITS

807.1 For initial appointment to a firefighter/EMT or firefighter/paramedic position in the Fire and Emergency Medical Services Department (FEMSD), an applicant shall have reached his or her nineteenth (19th) birthday as of the date of application. There shall be no maximum age limit for appointment to a firefighter/EMT or firefighter/paramedic position in the FEMSD, as long as the applicant is found qualified and successfully passes a medical examination and any other examinations, background investigations or tests required by the FEMSD of candidates for employment.

807.2 There shall be no age limit for reinstatement to a rank no higher than the rank last held by a former firefighter/EMT or firefighter/paramedic of the FEMSD, provided that the applicant for reinstatement meets the following requirements:

- (a) The applicant submits his or her request for reinstatement in writing to the Fire EMS Chief and the request is approved;
- (b) The applicant successfully passes a background investigation; and
- (c) The applicant is found to be qualified and successfully passes a medical examination and any other examinations or tests required by the FEMSD of any incumbent employee, except that no former member shall be required to take the entry-level written examination again.

807.3 For initial appointment with the Metropolitan Police Department (MPD) to a police private position, an applicant shall have reached his or her twenty-first (21st) birthday.

807.4 The Chief of Police may consider a uniformed member for reinstatement to the MPD to a rank no higher than the rank last held, after the former member meets the following requirements:

- (a) Submit his or her request for reinstatement in writing to the Police Chief and the request is approved;

- (b) Successfully passes a background investigation; and
- (c) Is found physically qualified based on successfully passing a medical examination and any other examinations or tests required by the MPD of an entry-level candidate; except that no former member shall be required to take the entry-level written examination again.

808 CITIZENSHIP REQUIREMENTS

808.1 Appointments to uniformed positions in the Metropolitan Police Department and Fire and Emergency Medical Services Department shall be limited to persons who are citizens of the United States.

809 RETURNING FROM DISABILITY (POLICE AND FIREFIGHTERS)

809.1 An employee covered by § 228.1(c) who was retired by the Police and Firefighters’ Retirement and Relief Board (the Board), who has not reached the age of fifty (50) years, and who overcomes the disability for which he or she was retired may be eligible to return to full duty.

809.2 An employee who meets the criteria stated in § 809.1 shall apply to be returned to duty with the department from which he or she retired.

809.3 The employing department shall evaluate the applicant to determine whether he or she meets the current entrance requirements and is otherwise suitable for returning to duty.

809.4 If the employee meets the entrance requirements and is otherwise suitable for returning to duty, the department shall submit the application and its findings to the Board, which will determine whether the employee shall be returned to duty.

810 – 869 [RESERVED]

Chapter 38, MANAGEMENT SUPERVISORY SERVICE, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended to read as follows:

Subsection 3801.5 of 3801, APPLICABILITY, is amended to read as follows:

3801.5 An employee holding a position in the Career or Educational Services may be detailed, temporarily promoted, temporarily transferred, or temporarily reassigned, without a break in service of (3) three days or more, to a position that would otherwise be in the Management Supervisory Service, without losing his or her existing status in the Career or Educational Services.

Subsection 3807.1 of Section 3807, COMPETITIVE AND NON-COMPETITIVE PLACEMENT, is amended to read as follows:

3807.1 Except as otherwise provided in this chapter, competitive procedures shall apply to all initial appointments to the Management Supervisory Service, and subsequent assignments and placements to positions within the Management Supervisory Service, as follows:

- (a) Promotions;
- (b) Temporary promotions exceeding one hundred eighty (180) days;
- (c) Selection for a detail for more than two hundred forty (240) days to a position at a higher grade or to a position at the same grade level with known promotion potential; and
- (d) Selection for a position, including by reassignment or demotion, with more promotion potential than the last grade held under a Management Supervisory Service competitive appointment.

Subsection 3807.2 of Section 3807, COMPETITIVE AND NON-COMPETITIVE PLACEMENT, is amended to read as follows:

3807.2 Competitive procedures shall not apply to the following actions within the Management Supervisory Service:

- (a) The following types of Management Supervisory Service promotions:
 - (1) A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error;
 - (2) A promotion resulting from an employee's position being reclassified at a higher grade because of accretion of additional duties and responsibilities without planned management action;
 - (3) A career ladder promotion if the original competition for the position clearly established the career ladder; or
 - (4) A temporary promotion under this chapter for a period of 180 days or less.
- (b) An indefinite reassignment or transfer to a position of the same grade with no known promotion potential or with no greater promotion potential than the position previously held;
- (c) A temporary reassignment for a period of 180 days or less;

- (d) A reassignment or demotion pursuant to section 3809 of this chapter;
- (e) Consideration of a candidate not given proper consideration in a competitive promotion action; or promotion of an employee who was denied promotion as a result of other error, on order of the D.C. Department of Human Resources or independent personnel authority; and
- (f) A detail of 240 days or less to a position at a higher grade or to a position with known promotion potential.

Subsection 3809.5 of Section 3809, PLACEMENT BY REASSIGNMENT OR DEMOTION, is amended to read as follows:

3809.5 A time-limited reassignment exceeding 180 days to a position with established promotion potential higher than the currently held position will be effected competitively.

Subsection 3812.1 of Section 3812, RESIDENCY PREFERENCE FOR MANAGEMENT SUPERVISORY SERVICE, is amended to read as follows:

3812.1 The regulations relating to residency, veterans' and foster care youth employment preferences set out at §§ 212, 213, and 214, shall apply to Management Supervisory Service employees.

Subsection 3813.4 of Section 3813 EMPLOYEE RIGHTS UPON TERMINATION, is amended to read as follows:

3813.4 Severance pay shall not be paid to any individual who has accepted an appointment to another position in the District government without a break in service of three (3) days or more.

Section 3899, DEFINITIONS, is amended to read as follows:

The following definition of "Break in service," appearing after the definition "Assembled examination," is amended to read as follows:

Break in service – the period between separation and reemployment.

The following definition of "Days," is added after the definition of "Break in Service":

Days – calendar days for all periods of more than ten (10) days and business days for all periods of ten (10) days or less, unless otherwise specified.

The definition of "TAPER," is deleted.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to the D.C. Department of Human Resources, Policy and Compliance Administration. Comments may be submitted by mail to 1015 Half Street SE, 9th Floor, Washington, D.C. 20003, or by e-mail to dchr.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address.

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

NOTICE OF 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 § 25-501(d), 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 its intent to amend Section 208 (License Fees) of Chapter 2 (License and Permit Categories) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking will extend the FY 2021 deadline for nightclub license holders to pay their second-year annual fees until September 30, 2021.

In response to the Coronavirus Pandemic (pandemic), Mayor Bowser declared a Public Health Emergency and a Public Emergency. *See* Mayor's Orders 2020-045 and 2020-046 (March 11, 2020). Since the initial declaration of a public health emergency and a public emergency, Mayor Bowser has issued a series of Mayor's Orders extending the public health and public emergency. Most recently, Mayor Bowser issued Mayor's Order 2020-103, dated October 7, 2020, which extends the public emergency and public health emergency until December 31, 2020.

Since the onset of the pandemic, the Board has taken a number of steps to assist ABC-licensed establishments, including suspending late fees imposed on ABC-licensees who failed to renew their licenses by the statutory deadline and delaying the issuance of orders to cease and desist operations. *See Late Fees Notice of Emergency Rulemaking*, 67 DCR 10970 (September 11, 2020). Holders of nightclub licenses, however, have experienced a greater financial impact of the pandemic because they have remained closed since March. Thus, the Board is suspending their second-year annual payment until September 30, 2021.

In an effort to immediately preserve the welfare, public safety, and health of the community by mitigating both the spread of COVID-19 and the pandemic's impact on local businesses, the Board finds emergency action is necessary. Thus, on November 4, 2020, the Board adopted the *Second-year Annual License Fee Payment Deadline Notice of Emergency Rulemaking*, by a vote of seven (7) to zero (0). This emergency rulemaking 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 March 4, 2021, unless superseded. The emergency rulemaking shall take effect immediately upon the date of adoption.

Chapter 2, LICENSE AND PERMIT CATEGORIES, of 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 208, LICENSE FEES, is amended by amending § 208.1 in its entirety to read as follows:

- 208.1 All license fees shall be paid by credit card, certified check, money order, business check, attorney's check, or personal check payable to ABRA. Applicants and licensees shall pay the annual license fees specified by the Board in the following manner:
- (a) The fee for the first year shall be paid at the time an application is filed, but shall be returned to an applicant, minus the prescribed processing fee, if the application is denied;
 - (b) The fees for the second and third year shall be paid no later than one (1) and two (2) years, respectively, from the date of the issuance of the license; provided, that a licensee may pay the second and third year fees when the first year fee is paid. The payment of the second and third-year license fees shall not require the filing of a clean-hands certificate by the applicant; and
 - (c) Notwithstanding paragraph (b), for Fiscal Year 2021, the second-year annual license fee payment for on-premises retailer licenses, class C/N and D/N, shall be due by September 30, 2021.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2020 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of, on an emergency basis, and the intent to adopt, on a permanent basis, amendments to Sections 1915-1916, 1920, 1922, 1929-1931, 1934, 1936, 1939, and 1941 of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Department on Disability Services (DDS), Developmental Disabilities Administration, operates the Medicaid Home and Community-Based Services (HCBS) Waiver for Individuals with Intellectual and Developmental Disabilities (IDD Waiver) under the supervision of the Department of Health Care Finance (DHCF). The IDD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2017.

These emergency and proposed rules are necessary to align requirements in regulation with those changes being proposed to the corresponding IDD Waiver Amendment. The amendment for the IDD Waiver contains three (3) types of changes to be effective in IDD Waiver Year 3, or upon approval by CMS, as follows: (1) changes to the amount, duration and scope of several services; (2) systemic changes that relate to systems improvements, including the new DDS Developmental Disabilities Administration (DDA) Formal Complaint System; and (3) reimbursement rate changes to comply with the District Universal Paid Leave Act and the Living Wage Act.

This emergency and proposed rulemaking makes amendments to eleven (11) IDD Waiver services as follows:

- (1) Host Home without Transportation Services, 29 DCMR § 1915.3, is amended to limit this service to people who have limited informal supports and would benefit from a family environment;
- (2) In-Home Supports Services, 29 DCMR § 1916.9, is amended to remove the reference to HCBS Setting Requirements, 29 DCMR 1938, because there is no reference to in-home supports services in the HCBS Setting Requirements rule;
- (3) Day Habilitation Services, 29 DCMR §§ 1920.19 and 1920.28, are amended to clarify in § 1920.19 that there will be no increase in the number of facility-based settings authorized for current providers, and no increase in the number of facility-based settings authorized for new providers with the exception of small group day

habilitation; and in § 1920.28 to make the duration for services consistent with §§ 1920.35 and 1920.36;

- (4) Employment Readiness Services, 29 DCMR § 1922.15, is amended to clarify that there will be no increase in the number of facility-based settings authorized for current or new providers;
- (5) Residential Habilitation Services, 29 DCMR § 1929, is amended to add a new § 1929.29 to state that there will be no new certified residential habilitation settings authorized either in the District of Columbia or out-of-state unless determined essential, in writing, by the DDS Deputy Director for DDA;
- (6) Respite Services, 29 DCMR §§ 1930.5, 1930.6, and 1930.13, are amended, respectively, to state that respite services cannot be offered in residential habilitation settings if that would cause the setting to be greater than four (4) people in the home or in an intermediate care facility;
- (7) Skilled Nursing Services, 29 DCMR § 1931, is amended to align with the Medicaid State Plan requirements by adding DHCF's Prior Authorization Form – 719A as an acceptable physician's order form;
- (8) Supported Living Services, 29 DCMR § 1934.9, which was "reserved," is amended to clarify that there will be no additional supported living residences approved unless determined essential, in writing, by the DDS Deputy Director for DDA;
- (9) Wellness Services, 29 DCMR §§ 1936.11, 1936.19 and 1936.21, are amended to provide the appropriate reference to an "initial assessment" in §§ 1936.11(a) and 1936.19(b) and to promote the use of natural supports and ensure appropriate service utilization/delivery by changing the amount and duration of these services in § 1936.21;
- (10) Companion Services, 29 DCMR § 1939, is amended to add a new § 1939.7(d) to clarify that the service shall not be provided to a person who requires a twenty-four (24) hour medical one-to-one for supervision at home or in the community; and
- (11) Assistive Technology Services, 29 DCMR § 1941, is amended to add a new § 1941.7(c) to expand provider qualifications to include all residential providers to automatically be enrolled as Assistive Technology Services providers.

To facilitate stakeholder input, copies of this Notice of Emergency and Proposed Rulemaking and a redlined version of these regulatory changes are available on the DDS website at: <https://dds.dc.gov/idd-waiver-amendment>.

The IDD Waiver serves some of the District's most vulnerable residents. In order to prevent impediments that adversely affect access to quality Medicaid services delivered by eligible Medicaid providers, DHCF is taking emergency action for the immediate preservation of the

health, safety and welfare of persons receiving these services. These rules must be in place upon the effective date of the amendment.

The emergency rulemaking was adopted on November 24, 2020 and will become effective on the date approved by CMS following its review of the proposed IDD Waiver amendment or November 1, 2020, whichever is later. The emergency rules shall remain in effect for no longer than one hundred and twenty (120) days from the adoption date or until March 24, 2021, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITY, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 1915.3 of Section 1915, HOST HOME WITHOUT TRANSPORTATION SERVICES, is amended to read as follows:

- 1915.3 To be eligible for Medicaid reimbursement of host home without transportation services, each person shall have limited informal supports, benefit from living in a family environment, and demonstrate a need for support for up to twenty-four (24) hours per day, and the services shall be:
- (a) Provided in a private home, referred to as “host home,” which may be leased or owned by the principal care provider, who lives in the home; and
 - (b) Identified as a need in the person’s Individual Support Plan (ISP) and Plan of Care.

Subsection 1916.9 of Section 1916, IN-HOME SUPPORTS SERVICES, is amended to read as follows:

- 1916.9 Each provider shall comply with the requirements under Section 1908 (Reporting Requirements) of Chapter 19 of Title 29 DCMR, Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR, and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR, except that the progress notes as described in Subsection 1909.2(m) shall be maintained on a per visit basis.

Subsections 1920.19 and 1920.28 of Section 1920, DAY HABILITATION SERVICES, are amended to read as follows:

- 1920.19 To receive Medicaid reimbursement, day habilitation services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration. There shall be no increase in the number of facility-based settings authorized for current providers. No facility-

based settings will be authorized for newly enrolling providers, with the exception of small group day habilitation.

1920.28 Small group day habilitation services shall be provided for a maximum of eight (8) hours a day, not to exceed forty (40) hours per week and two thousand eighty (2,080) hours annually.

Subsection 1922.15 of Section 1922, EMPLOYMENT READINESS SERVICES, is amended to read as follows:

1922.15 When employment readiness services are provided in a facility, each facility shall comply with all applicable federal, District, or state and local laws and regulations in order to receive Medicaid reimbursement. Effective November 1, 2020, no increase in the number of facility-based settings shall be authorized. Current providers shall be prohibited from increasing the number of facility-based settings at which services are provided; and newly enrolling providers shall be prohibited from providing services at any facility-based settings.

A new Subsection 1929.29 of Section 1929, RESIDENTIAL HABILITATION SERVICES, is added to read as follows:

1929.29 Effective November 1, 2020, no new residential habilitation settings shall be authorized unless determined essential, in writing, by the Department on Disability Services (DDS) Deputy Director for Developmental Disabilities Administration (DDA).

Subsections 1930.5, 1930.6, and 1930.13 of Section 1931, RESPITE SERVICES, are amended to read as follows:

- 1930.5 Medicaid reimbursable daily respite services shall be provided in:
- (a) A Group Home for a Person with an Intellectual Disability (GHPID) meeting the requirements set forth in Chapter 35 of Title 22 of the DCMR and certified as an ICF/IID in accordance with the federal conditions of participation;
 - (b) A DDS certified Residential Habilitation Services facility unless the respite placement will cause the setting to have greater than four (4) people in the home; or
 - (c) A DDS certified Supported Living Residence operated by a provider who has an approved human care agreement with DDS that stipulates the conditions for accepting respite placements.

1930.6 Medicaid reimbursable hourly respite services shall be provided:

- (a) By a home care agency licensed pursuant to the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.*) in accordance with the requirements of Chapter 39 of Title 22-B of the DCMR; and
- (b) In a person's home or another residential setting that would meet the requirements of certifications issued by DDS.

1930.13 Medicaid reimbursement is not available for respite services provided to persons receiving Supported Living, Host Home, or Residential Habilitation Services, or persons residing in an ICF/IID.

Subsection 1931.5 of Section 1931, SKILLED NURSING SERVICES, is amended to read as follows:

- 1931.5 To be eligible for Medicaid reimbursement, skilled nursing services shall:
- (a) Be ordered by a physician when it is reasonable and necessary to the treatment of the person's illness or injury, and include a letter of medical necessity, a summary of the person's medical history and the duties that the skilled nurse would perform and a skilled nurse checklist. A Prior Authorization Form – 719A from the Department of Health Care Finance will suffice as the physician's order in accordance with the requirements set forth in this section; and
 - (b) Be authorized in accordance with each person's ISP and Plan of Care after all Medicaid State Plan skilled nursing visits have been exhausted.

Subsection 1934.9 of Section 1934, SUPPORTED LIVING SERVICES, is amended to read as follows:

1934.9 Effective November 1, 2020, there shall be no additional supported living residences (SLRs) approved unless determined essential, in writing, by the DDS Deputy Director for the DDA.

Subsections 1936.11, 1936.19, 1936.21 of Section 1936, WELLNESS SERVICES, is amended to read as follows:

- 1936.11 In order to be eligible for Medicaid reimbursement, each professional providing wellness services shall:
- (a) Conduct an initial assessment within the first four (4) hours of service delivery with long term and short term goals;

- (b) Develop and implement a person-centered plan consistent with the person's choices, goals and prioritized needs that describes wellness strategies and the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP. The plan shall include treatment strategies including direct therapy, caregiver training, monitoring requirements and instructions, and specific outcomes;
- (c) Deliver the completed plan to the person, family, guardian, residential provider, or other caregiver, and the DDS Service Coordinator prior to the Support Team meeting;
- (d) Participate in the ISP and Support Team meetings, when invited by the person, to provide consultative services and recommendations specific to the wellness professional's area of expertise with the focus on how the person is doing in achieving the functional goals that are important to him or her;
- (e) Provide necessary information to the person, family, guardian, residential provider, or other caregivers and assist in planning and implementing the approved ISP and Plan of Care;
- (f) Record progress notes on each visit which contain the following:
 - (1) The person's progress in meeting each goal in the ISP;
 - (2) Any unusual health or behavioral events or change in status;
 - (3) The start and end time of any services received by the person; and
 - (4) Any matter requiring follow-up on the part of the service provider or DDS.
- (g) Submit quarterly reports in accordance with the requirements in Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR; and
- (h) Conduct periodic examinations and modify treatments for the person receiving services, as necessary.

1936.19

In order to be eligible for Medicaid reimbursement, services shall be authorized in accordance with the following requirements:

- (a) DDS shall provide a written service authorization before the commencement of services;

- (b) The provider shall conduct an initial assessment and develop a person-centered plan within the first four (4) hours of service delivery which:
 - (1) Describes wellness strategies and the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools; and
 - (2) Includes training goals and techniques in the ISP that will assist the caregivers;
- (c) The service name and provider entity delivering services shall be identified in the ISP and Plan of Care; and
- (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received.

1936.21 Wellness services shall be limited as follows:

- (a) Massage Therapy shall be limited to fifty-two (52) hours per ISP year. Additional hours up to one hundred (100) hours per year may be authorized before the expiration of the ISP year with approval by DDS Deputy Director for DDA based upon assessed medical or clinical need;
- (b) Sexuality Education shall be limited to fifty-two (52) hours per ISP year. Additional hours up to one hundred (100) hours per year may be authorized before the expiration of the ISP year with approval by DDS Deputy Director for DDA based upon assessed medical or clinical need;
- (c) Fitness Training and Small Group Fitness Training shall be limited to fifty-two (52) hours per ISP year for people receiving host home, supported living, residential habilitation or in-home supports services, or who otherwise have natural supports available that can assist the person practice the fitness skills they need to achieve their fitness goals. Additional hours up to one hundred four (104) hours per year may be authorized before the expiration of the ISP year, and when the person's health and safety are at risk, for people who in live in natural homes without in-home supports services and do not have such natural supports available that can assist the person practice the fitness skills they need to achieve their fitness goals. Requests for additional hours may be approved when accompanied by a physician's order or if the request passes a clinical review by staff designated by DDS;
- (d) Nutrition Counseling shall be limited to twenty-six (26) hours per ISP year and to people who have natural or paid supports to help them implement the learning and nutrition goals outside of the time with the dietician or nutritionist. Additional hours up to one hundred four (104) may be

authorized before the expiration of the ISP year with approval by DDS Deputy Director for DDA based upon assessed medical or clinical need; and

- (e) Bereavement Counseling shall be limited to one hundred (100) hours per ISP year. Additional hours may be authorized before the expiration of the ISP year and when the person's health and safety are at risk and the person is demonstrating progress towards achieving established outcome and/or maintenance of goals.

Subsection 1939.7 of Section 1939, COMPANION SERVICES is amended to read as follows:

- 1939.7 To be eligible for Medicaid reimbursement, companion services shall not:
- (a) Exceed eight (8) hours per twenty-four (24) hour day;
 - (b) Exceed forty (40) hours per week when used with Residential Habilitation, 24-Hour Supported Living, and 24-Hour Supported Living with Transportation Services, or when used in combination with Personal Care Services or any other Waiver day or vocational support services, including but not limited to Day Habilitation, Employment Readiness, Supported Employment, Small Group Supported Employment, or Individualized Day Supports as part of a person's traditional Monday to Friday day/vocational programming time;
 - (c) Include the provider/employee's transportation time to or from the person's home, or the provider/employee's break time; and
 - (d) Be provided to a person who requires 24-hour medical one-to-one supports at home or in the community.

Subsection 1941.7 of Section 1941, ASSISTIVE TECHNOLOGY SERVICES, is amended to read as follows:

- 1941.7 Assistive technology services may be provided by the following agency provider types:
- (a) An Assistive Technology Professional Agency or Supplier that is an approved vendor for the Rehabilitation Services Administration;
 - (b) A licensed provider agency of any of the following clinical services: occupational therapy, physical therapy, and speech, hearing and language pathology; or

- (c) A provider who is enrolled as a Residential Habilitation, Supported Living, Host Home, or In-Home Supports Services provider with a current Medicaid provider agreement is automatically qualified as an Assistive Technology Services provider for people who receive residential services from that provider.

Comments on these emergency and proposed rules should be submitted in writing to Melisa Byrd, Senior Deputy Director/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street NW, Suite 900, Washington, DC 20001, via telephone at (202) 442-8742, via email at DHCFPublicComments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules may be obtained from the above address.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING****Z.C. Case No. 20-26****Office of Zoning****(Text Amendment to Subtitles Y & Z for Administrative Approvals of Validity Period of Approvals During COVID-19 Pandemic)**

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

- Subtitle Y: Board of Zoning Adjustment Rules of Practice and Procedure - §§ 702, 705, 1600
- Subtitle Z: Zoning Commission Rules of Practice and Procedure - §§ 702, 705, 1600

Setdown

On November 4, 2020, the Office of Zoning (OZ) filed a petition (Petition) with the Commission proposing the amendment to provide for administrative extension of the validity of orders approved by the Commission and the Board of Zoning Adjustment (Board) scheduled to expire between November 27, 2020, and April 27, 2021, due to complications of the COVID-19 pandemic. OZ requested that the Commission:

- Consider taking emergency action to adopt the Petition;
- Set the Petition down for a public hearing;
- Authorize an immediate publication of proposed rulemaking for the Petition; and
- Authorize a thirty (30)-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the forty (40)-day requirement of Subtitle Z § 502.1 for good cause because of the complications of the ongoing public health emergency caused by the COVID-19 pandemic.

Emergency & Proposed Action

At its November 19, 2020, public meeting, the Commission heard testimony from OZ in favor of the amendment. At the meeting, the Commission voted to grant the Petition to:

- Take emergency action to adopt the Petition;
- Set the Petition down for a public hearing;
- Authorize an immediate publication of proposed rulemaking for the Petition; and
- Authorize a thirty (30)-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the forty (40)-day requirement of Subtitle Z § 502.1 for good cause as detailed below.

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.)), because it accommodates delays caused by the COVID-19 pandemic.

VOTE (November 19, 2020): **5-0-0** Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

Emergency Action

The emergency rule is effective as of the Commission’s November 19, 2020, vote and will expire on March 19, 2021, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this emergency rule, whichever occurs first.

Proposed Action

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

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning’s Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

EMERGENCY/PROPOSED TEXT AMENDMENT

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

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

Subsections 702.1 and 702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD

OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

702.1 An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within this two (2) year period; provided that any order, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a **single** period of six (6) months from the date of expiration of the order ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

702.2 An order granting a special exception or variance where the establishment of the use is not dependent upon the erection or alteration of a structure shall be valid for a period of six (6) months, within which time an application shall be filed for an certificate of occupancy for the use approved; provided that any order, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020 (including any private school or other use approved by special exception), shall remain valid for a **single** period of six (6) months from the date of expiration of the order ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

Section 705, TIME EXTENSIONS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended by adding a new § 705.1, renumbering the existing subsections, and adding a new § 705.7, to read as follows:

705.1 The provisions of this section apply in their entirety to applications approved by the Board of Zoning Adjustment.

~~705.1~~ **705.2** The Board may extend the time periods in Subtitle Y § 702.1 ...¹

~~705.2~~ **705.3** A time extension granted pursuant to Subtitle Y § 705.1 ...

~~705.3~~ **705.4** The Board’s decision on the request shall be in writing ...

~~705.4~~ **705.5** A request for a time extension shall toll the expiration date ...

¹ 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.

~~705.5~~ 705.6 If the request is not decided prior to an order’s expiration date ...

705.7 For an order scheduled to expire between October 27, 2020 and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Y § 1600.1 and Table Y § 1600.

Subsection 1600.1 and Table Y § 1600 of § 1600, FILING FEES FOR APPLICATIONS AND APPEALS, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is proposed to be amended, to read as follows:

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing a request for an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) Appeal of any decision of the Zoning Administrator ...
- ...
- (e) For a time extension, a modification of a Board order, or approved plans, whether the modification is minor or not, for the owner of an owner-occupied single dwelling unit or flat, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee; except that:
 - (1) A six (6)-month time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be fifty dollars (\$50) for an owner-occupied single dwelling unit or flat and five hundred twenty dollars (\$520) for all other applicants; and
 - (2) A one (1)-year time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be one hundred dollars (\$100) for an owner-occupied single dwelling unit or flat and one thousand dollars (\$1,000) for all other applicants.

...

TABLE Y § 1600 – SCHEDULE OF FILING FEES

	SPECIAL EXCEPTIONS		
Case Type	Unit	Fee	Maximum
Accessory apartment		\$325	
...			
Time extension/minor and non-minor modification (owner-occupied)		\$130	
Time extension/minor and non-minor modification (owner-occupied)			

• <u>6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$50</u>	
• <u>1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$100</u>	
• <u>All other extensions/minor and non-minor modifications</u>		<u>\$130</u>	
<u>Time extension/minor and non-minor modification (all others)</u>		<u>26%</u>	
<u>Time extension/minor and non-minor modification (other than owner-occupied)</u>			
• <u>6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$500</u>	
• <u>1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19</u>		<u>\$1,000</u>	
• <u>All other extensions/minor and non-minor modifications</u>		<u>26% of the original filing fee</u>	
Warehouse or wholesale use		\$5,200	
...			

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

Subsections 702.1 through 702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are proposed to be amended to read as follows:

702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval; provided that any approval, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a **single** period of six (6) months from the date of expiration of the approval ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building permit; provided that any approval, **including any extension other than one granted by this subsection**, scheduled to expire between April 27, 2020 and December 31, 2020 (including any campus plan approval, whether approved under the BZA or Zoning Commission rules of procedure), shall remain valid for **a single period of** six (6) months from the date of expiration of the approval ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

702.3 Construction shall start within three (3) years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval; provided that this three (3) year period shall be extended by a single period of six (6) months for any construction deadline, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020, and December 31, 2020, ~~although this six (6) month extension shall run concurrently with any subsequent time extension and shall not be cumulative to that subsequent time extension.~~

Section 705, TIME EXTENSIONS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is proposed to be amended by revising §§ 705.1, 705.4, 705.5, and by adding a new § 705.9, to read as follows:

705.1 The provisions of this section apply in their entirety to applications for design review and planned unit developments (PUDs) approved by the Zoning Commission.

...

705.4 Only one (1) extension, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9, may be requested for a design review development approval.

705.5 An applicant with an approved PUD may request no more than two (2) extensions, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9. The second extension for an extension may be approved for no more than one (1) year.

...

705.9 For an order scheduled to expire between October 27, 2020 and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.

Subsection 1600.10 and Table Z § 1600 of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are proposed to be amended, including reordering alphabetically, to read as follows:

1600.10 At the time of filing a request for approval of an extension of time to the validity of a Zoning Commission order, the applicant shall pay a filing fee ~~of~~ as follows:

(a) Six (6)-month time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – five hundred twenty dollars (\$520);

(b) One (1)-year time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – one thousand dollars (\$1,000); or

(c) All other time extensions – the greater of one thousand, five hundred dollars (\$1,500) or ten percent (10%) of the original filing fee, up to a maximum of five thousand dollars (\$5,000).

...

TABLE Z § 1600 – SCHEDULE OF FILING FEES

CASE TYPE	FEE	MAXIMUM
Map amendment by rulemaking	\$325	
Text amendment	\$325	
Planned unit development (PUD), contested case map amendment, air space development	\$650	
Modification to an approved PUD, air space development	\$520	
Extension of time to the validity of an order for an approved design review or PUD	\$520	
<u>Time extension to the validity of an order for an approved design review or PUD</u>		
• <u>6-month extension pursuant to Subtitle Z § 705.9 due to COVID-19</u>	<u>\$520</u>	
• <u>1-year extension pursuant to Subtitle Z § 705.9 due to COVID-19</u>	<u>\$1,000</u>	
• <u>All other extensions</u>	<u>The greater of \$1,500 or 10% of the original filing fee</u>	<u>\$5,000</u>
College or university – new or revised campus plans	\$6,500	
College or university – review of a building or use w/in <u>within</u> an approved plan	\$3,250	
Design review (voluntary)	\$2,000	
Design review (required <u>mandatory</u>)		
• For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit	\$ 7/100 sq. ft.	\$65,000
• For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit	\$13/100 sq. ft.	
Modification to <u>an</u> approved design review		
• Voluntary	\$1,500	<u>\$1,500</u>
• Required	<u>The greater of 26% of the original hearing filing fee or \$1,300, whichever is greater</u>	

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

Mayor's Order 2020-120
November 25, 2020

SUBJECT: Delegations of Authority — New Hospital at St. Elizabeths Agreements

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and in accordance with the New Hospital at St. Elizabeths Emergency Amendment Act of 2020, effective August 5, 2020, D.C. Act 23-360, 67 DCR 9668, and any substantially identical subsequent emergency, temporary, or permanent legislation, it is hereby **ORDERED** that:

1. The Director of the Department of Health Care Finance is delegated the authority to administer, and implement the District government's responsibilities under, the Collaboration Agreement between and among the Government of the District of Columbia, Universal Health Services, Inc., UHS East End Sub, LLC, and UHS Building Solutions, Inc. ("Collaboration Agreement"), referred to in the Development Agreement, Operations Agreement, and Lease Agreement (as hereinafter defined) and dated as of September 10, 2020, as such Collaboration Agreement may be amended from time to time.
2. The Director of the Department of General Services is delegated the authority to administer, and implement the District government's responsibilities under, the Development Agreement between the District of Columbia and UHS Building Solutions, Inc., for the design and construction of a hospital and other facilities at St. Elizabeths and for other purposes ("Development Agreement"), transmitted by the Mayor to the Council on June 8, 2020, and thereafter dated as of September 10, 2020, as such Development Agreement may be amended from time to time.
3. The Director of the Department of Health Care Finance is delegated the authority to administer, and implement the District government's responsibilities under, the Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes ("Operations Agreement"), transmitted by the Mayor to the Council on June 8, 2020, and thereafter dated as of September 10, 2020, as such Operations Agreement may be amended from time to time.
4. The Director of the Department of General Services is delegated the authority to administer, and implement the District government's responsibilities under, the Lease Agreement between the District of Columbia as landlord and UHS East End Sub, LLC,

as tenant for the lease of certain property located on the St. Elizabeths Campus ("Lease Agreement"), transmitted by the Mayor to the Council on June 8, 2020, and thereafter dated as of September 10, 2020, as such Lease Agreement may be amended from time to time.

- 5. The Directors of the Department of General Services and the Department of Health Care Finance are delegated the authority to administer, and assert the District's rights under, the Guaranty of Universal Health Services, Inc. for the benefit of and delivered to the District ("Guaranty"), dated as of September 10, 2020, and referred to in the Operations Agreement and Lease Agreement, as such Guaranty may be amended from time to time. The Directors of the Department of General Services and the Department of Health Care Finance may exercise this authority individually or jointly.
- 6. The City Administrator is delegated the authority to execute amendments to the Collaboration Agreement, Development Agreement, Operations Agreement, Lease Agreement, and Guaranty.
- 7. The City Administrator and Directors of the Department of General Services and the Department of Health Care Finance may further delegate the authority delegated to them under this Order to subordinates under their jurisdiction.
- 8. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2020-121
November 25, 2020

SUBJECT: Delegation - Authority to Announce and Support the 2020 United States Marine Corps Toys for Tots Campaign

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2016 Repl.), and under 6B DCMR § 1805.10, it is hereby **ORDERED** that:

1. The Chief of the Fire and Emergency Medical Services Department (Fire and EMS Chief) is delegated the authority of the Mayor to allow the Fire and EMS Chief to announce and support the 2020 United States Marine Corps Toys for Tots Campaign. This includes authorization for the Fire and EMS Chief to announce the 2020 United States Marine Corps Toys for Tots Campaign in a General Order that will be sent to Fire and Emergency Medical Services Department employees.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

OFFICE OF ADMINISTRATIVE HEARINGS
DISTRICT OF COLUMBIA ADVISORY COMMITTEE
PUBLIC NOTICE OF MEETING

In accordance with D.C. Code § 2-576(1), the Advisory Committee to the Office of Administrative Hearings hereby gives notice that it will meet on Tuesday, December 15, 2020 at 1:00 pm. The meeting will be held via WebEx at the link (and numbers) below. Below is the Agenda for this meeting.

AGENDA

1. Welcome and Call to Order
2. Introductions
3. Remarks from the Chief ALJ
4. Open Microphone from Agency GC's
5. Old Business
6. New Business
7. Adjournment

Meeting Link:

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=ec3404c41d7e8818519a46987f5b30078>

Meeting Event (Access Code): 180 818 8157

Registration: Please click the link above to pre-register for the meeting.

Registration Password: Not required, but you must pre-register using the link above.

More ways to join:

Join by phone: 1-650-479-3208 (US/Canada) and enter access code.

Join from video system or application: 1808188157@dcnet.webex.com

You can also dial: 173.243.2.68 and enter your meeting number.

For more information, please contact **Lisa Wray, Executive Assistant**, at Lisa.Wray@dc.gov or 202.724.7681 (Office); 202.552.9756 (Cell).

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

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

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

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

In response to the Coronavirus Pandemic, the Board reduced the RDO Reimbursement Percentage from sixty-five percent (65%) to zero percent (0%) due to the pandemic's adverse impact on ABC-licensed establishments and the nightlife economy. *See* 67 DCR 5620. At the beginning of the pandemic, ABC-licensed establishments were prohibited from selling and serving alcoholic beverages for on-premises consumption as the District of Columbia took the steps necessary to mitigate the spread of COVID-19. Over the last few months, ABC-licensed establishments have been permitted to return to limited operation, including indoors at a reduced capacity. As establishments continue to return to operation, there is a greater need for RDO services. To assist ABC-licensed establishments cover the cost of these services, the Board has determined that ABRA will reimburse ABC-licensed establishments sixty-five percent (65%) of its RDO expenditures as it had done before the COVID-19 pandemic.

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

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

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR QUOTES****Laptops**

The Carlos Rosario International Public Charter School seeks qualified proposals for the purchase of approximately 750 laptops. HP is the preferable brand, however other manufacturers will be considered. Laptop configurations should balance affordability with cost containment. Each laptop should ship with the latest release of Windows 10 Pro. Please provide a separate cost for the possibility of Internet access via use of a SIM card as well as a separate cost to configure the laptops to our specifications should we decide to go that route. Questions and completed proposals should be directed to Fernando Sugaray at fsugaray@carlosrosario.org. Proposals are due by 5p on December 16, 2020 via email to Fernando Sugaray with a copy to Gwenever Ellis at gellis@carlosrosario.org.

OFFICE OF THE DISTRICT OF COLUMBIA CLEMENCY BOARD

NOTICE OF PUBLIC MEETING

The Clemency Board will be holding its meeting on Friday, December 4, 2020 at 10:30 a.m. The meeting will be held via WebEx at the link (and numbers) below. Below is the agenda for this meeting.

AGENDA

1. Welcome and Call to Order
2. Old Business
 - a. None
3. New Business
 - a. Update on progress of rulemaking
4. Public Comment
5. Adjournment

Meeting Link:

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e680ac25f1409e2bca46e397856a22d92>

Registration: Please click the link above to pre-register for the meeting.

Registration password: This meeting does not require a password for registration.

For additional information, please contact **Lisa M. Wray, Executive Assistant** at (202) 724-7681 or lisa.wray@dc.gov.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
HEALTHY YOUTH AND SCHOOLS COMMISSION**

NOTICE OF 2021 MEETING SCHEDULE

The Healthy Youth and Schools Commission (“Commission”) hereby gives notice of the annual schedule of meetings for the 2021 Calendar Year. The Commission holds quarterly public meetings at the Office of the State Superintendent located at 1050 First Street NE.

DATE	TIME	LOCATION
February 17, 2021	3:00-5:00pm	1050 First Street NE Washington, DC 20002
May 19, 2021	3:00-5:00pm	1050 First Street NE Washington, DC 20002
August 18, 2021	3:00-5:00pm	1050 First Street NE Washington, DC 20002
November 17, 2021	3:00-5:00pm	1050 First Street NE Washington, DC 20002

Any changes to this schedule will be reflected on the District of Columbia Office of Open Government website located at <http://www.open-dc.gov>. For questions regarding this schedule of meetings, please contact:

Caitlin Shauck
Policy Analyst
Office of the State Superintendent of Education
Division of Health and Wellness
1050 First Street NE
Washington, DC 20002
202-442-9274
Caitlin.Shauck@dc.gov

DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS
FISCAL YEAR 2021 MONTHLY MEETING SCHEDULE

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. Considering the public health crisis, the Board will meet remotely via Cisco Webex. A copy of the draft agenda and meeting log-in instructions will be posted on the agency's website. For further information, please contact Wynter Clarke at wynter.clarke@dc.gov. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Thursday, December 17, 2020	11:00 AM	Virtual, via Webex
Thursday, February 4, 2021	11:00 AM	Virtual, via Webex

**DEPARTMENT OF ENERGY AND ENVIRONMENT
REQUEST FOR PARTNERS**

Build Green DC: Pre-Apprenticeships for Careers in Advanced Building Construction

The Department of Energy and Environment (the Department) seeks eligible entities through a Request for Partners to present the Department with a plan to coordinate job placement and/or continued training for graduates of the Build Green DC workforce development program that will help the District of Columbia achieve its energy and climate goals. The Department has submitted a concept to the US Department of Energy (US DOE), and, if approved, the Department will require a partner for its final federal submission. The purpose of the proposed project is to help build the District's energy efficiency workforce to meet the increased demand that the new Building Energy Performance Standard (BEPS) will create for skilled labor in calendar year 2021.

The successful partner will be included in the Department's full application to the US DOE. The amount available for the project is between \$75,000 and \$125,000. The project will only be funded if the Department receives the grant from the US DOE.

Beginning 12/4/2020, the full text of the Request for Partners (RFP) will be available on the Department's website. A person may obtain a copy of this RFP by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to buildgreendc.rfa@dc.gov with "Request copy of RFP 2021-2104-EA" in the subject line.

The deadline for application submissions is 1/4/2021, at 4:30 p.m. A complete electronic copy must be e-mailed to buildgreendc.rfa@dc.gov and received by that time.

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

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

For additional information regarding this RFP, write to: buildgreendc.rfa@dc.gov.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

Building Innovation Design Assistance

The Department of Energy and Environment (the Department) seeks to fund early design assistance for a small number of building projects committed to pursuing net-zero energy (NZE), and/or analyzing embodied carbon. Design assistance funds will help to create a collection of case studies aimed to help to build the capacity of the District's building sector. DOEE intends to award grants to multiple projects. An applicant may apply for up to \$20,000 for the NZE Design Assistance project and/or up to \$10,000 for the Embodied Carbon Life Cycle Analysis (LCA) Assistance project. The total amount available for all of the projects is approximately \$85,000.

Beginning December 4, 2020, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the Resources tab. Cursor over the pull-down list and select Grants and Funding. On the new page, cursor down to this RFA. Click on Read More and download this RFA and related information from the Attachments section.

Email a request to greenbuildingrfa.grants@dc.gov with "Request copy of RFA 2021-2101-USA" in the subject line.

On Thursday, December 10, 2020 from 11am – 12am, DOEE will host a pre-application conference virtually via WebEx. Information for the session will be included in the RFA.

The deadline for application submissions is 1/11/2021, at 4:30 p.m. A complete electronic copy must be e-mailed to greenbuildingrfa.grants@dc.gov.

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

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

For additional information regarding this RFA, write to: greenbuildingrfa.grants@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

HEALTH INFORMATION EXCHANGE POLICY BOARD

NOTICE OF 2021 MEETING SCHEDULE

The regular quarterly meetings of the DC Health Information Exchange Policy Board are held in open session in the months of January, April, July, and October. The following are dates and times for the regular quarterly meetings to be held in 2021. Due to the ongoing COVID-19 pandemic, all 2021 meetings will be held virtually unless otherwise indicated. Notice of a location will be published on the DC HIE Policy Board's website (<https://dhcf.dc.gov/page/hie-policy-board>). A copy of the final agenda will be posted on the DC HIE Policy Board's website two business days prior to the meeting date.

HIE Policy Board Meeting – January 2021

When: Thursday, January 21, 3:00 – 5:00 PM

Where: Remote Meeting. Contact healthIT@dc.gov for virtual meeting information.

HIE Policy Board Meeting – April 2021

When: Thursday, April 22, 3:00 – 5:00 PM

Where: Remote Meeting. Contact healthIT@dc.gov for virtual meeting information.

HIE Policy Board Meeting – July 2021

When: Thursday, July 15, 3:00 – 5:00 PM

Where: Remote Meeting. Contact healthIT@dc.gov for virtual meeting information.

HIE Policy Board Meeting – October 2021

When: Thursday, October 21, 3:00 – 5:00 PM

Where: Remote Meeting. Contact healthIT@dc.gov for virtual meeting information.

For more information, please contact:

Nina Jolani at Nina.Jolani@dc.gov or 202-478-1470

**DEPARTMENT OF HEALTH (DC HEALTH)
NOTICE OF FUNDING AVAILABILITY
COMMUNITY HEALTH ADMINISTRATION (CHA)**

**Request for Grant Applications (RFA)
CHA-MCHSP_12.18.20**

Maternal and Child Health Services Block Grant to States Program

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DC Health’s intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Maternal and Child Health Services Block Grant to States Program
Funding Opportunity Number:	CHA-PG-00101-004
Program RFA ID#:	CHA-MCHSP-12.18.20
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Family Health
Program Contact:	Jasmine Bihm Program Manager titlev@dc.gov Title V Program
Program Description:	This funding opportunity seeks applications from qualified entities to develop programs and initiatives in support of selected Title V Program priorities: improving women’s reproductive health: well-woman visits; breastfeeding; mental health including grief and trauma-informed care; positive youth development; medical home identification; transition; oral health. Programs and initiatives must be tailored to the identified maternal child health (MCH) populations as defined by the Health Resources and Services Administration, Maternal and Child Health Bureau: 1) Women/Maternal Health; 2) Perinatal/Infant Health; 3) Child Health; 4) Adolescent Health and; 5) Children with Special Health Care Needs (CSHCN).
Eligible Applicants	Not-for profit, public and private organizations, primary care clinics and FQHCs located and licensed to conduct business within the District of Columbia and experienced in providing services to one or more of the target populations: women, infants, children, children with special health care needs, and adolescents. Additionally, 40% of the organizations’ annual budget must be funded from private sources.
Anticipated # of Awards:	Up to eight (8)

Anticipated Amount Available:	\$300,000
Floor Award Amount:	\$40,000
Ceiling Award Amount:	\$100,000

Funding Authorization

Authorization (Legislation)	Social Security Act, Title V, 45CFR 96
Associated CFDA#	93.994
Associated Federal Award ID#	BO4MC33828
Cost Sharing / Match Required?	No
RFA Release Date:	December 18, 2020
Pre-Application Meeting (Date)	December 23, 2020
Pre-Application Meeting (Time)	2:00pm-3:30pm
Pre-Application Meeting (Location/Conference Call Access)	Virtual Webex meeting: https://dcnet.webex.com/dcnet/j.php?MTID=m0a7ed6595084479d7a0c527d7c7824e8
Letter of Intent	Not applicable
Application Deadline Date:	January 25, 2021
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse https://communityaffairs.dc.gov/content/community-grant-program DC Health EGMS https://dcdoh.force.com/GO__ApplicantLogin2

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

Friday, December 4, 2020, the Board will conduct a disciplinary action hearing in the matter of Samira Shenasi, DDS, at 8:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case.

Wednesday, December 16, 2020, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, January 27, 2021, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, February 17, 2021, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session by videoconference or by phone.

The agendas for all open (public) session meetings and videoconference and telephone information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Branded Products**

KIPP DC is soliciting proposals from qualified vendors for Branded Products. 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 December 15, 2020. Questions can be addressed to dorian.ezzard@kippdc.org.

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 January 2, 2021.

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 November 27, 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 PublicEffective: January 2, 2021
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Acosta	Cara L.	Tobin, O'Connor & Ewing 5335 Wisconsin Avenue, NW, #700	20015
Alesha	Gray R.	Chemonics International 1717 H Street, NW	20006
Alexander	Dr. Myrtle Patricia	Self (Dual) 1506 Park Road, NW, Apartment B	20006
Alfonzo	Margarita	U. S. Soccer Foundation, Inc. 1140 Connecticut Avenue, NW, Suite 1200	20036
Anderson	Kisha M.	Self 1221 Van Street, SE, #716	20003
Antonoplos	Peter D.	Antonoplos & Associates 1725 DeSales Street, NW, Suite 600	20036
Archer	Ryan Marc	Self 1336 Locust Road, NW	20012
Bahraminejad	Bahman	The UPS Store 4401A Connecticut Avenue, NW	20008
Bartolotta	Arianna Prinda	Brennan Title Company 5100 Wisconsin Avenue, NW, Suite 515	20016
Bekishova	Anara	Express Apostille, LLC 100 M Street, SE, Suite #600	20003
Blocker	Jazmin	WKM Solutions, LLC 900 17th Street, NW, #650	20006
Campbell	Laurielle	CLA Title & Escrow 1050 Connecticut Avenue, NW, Suite 500	20036
Clark	Kendall Erin	Federal title & Escrow Company 5335 Wisconsin Avenue, NW, Suite 700	20015

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Crichton	Ray	Neighborhood Legal Services Program 64 New York Avenue, NE, Suite 180	20020
Cruz	Michelle	United State Secret Service 950 H Street, NW, Suite 5300	20223
Dawson	Deanna L.	CWCapital 900 19th Street, NW, 8th Floor	20006
Encarnacion	Greyses	Deaf Reach Inc. 3722 12th Street, NE	20017
Epps-Terry	Lisa	Total Building Solutions, Incorporated 2408 Minnesota Avenue, SE	20020
Evans	Merinda Ellis	Planet Depos 1100 Connecticut Avenue, NW, #950	20036
Fanok	Justin Edward	Self 649 Kenyon Street, NW	20010
Fernandez Simms	Janira Adriana	Self 1720 Buchanan Street, NE	20017
Franklin	Felicia J.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Fripp	SaVern Monee	Office of the Chief Medical Examiner 401 E Street, SW	20024
Frye	Pamela Denise	Chaikin Sherman Cammarata & Siegel, P.C. 1232 17th Street, NW	20036
Gottlieb	Jonathan W.	Eversheds Sutherland (US), LLP 700 6th Street, NW	20001
Harrison	Earle	Self 2580 Naylor Road, SE, #102	20020
Harvey	Leslie Ann K	Self 3000 Otis Street, NE	20018

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Recommendations for Appointments as DC Notaries PublicEffective: January 2, 2021
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Hearne	Shelley Anne	Fisher Holdings Inc 1904 Q Street, SE	20020
Heath	Nichole	The Brattle Group 1800 M Street, NW, #700	20036
Hosang	Debra M.	Hogan Lovells, US LLP 555 13th Street, NW	20004
Hunter	Jamice	Constituent Services Worldwide Public Benefit Corporation 201 Massachusetts Avenue, NE, Unit 1	20002
Isaacs	Brianna Nannette	DT Global 1625 Eye Street, NW, Suite 200	20006
James	Nettie	WFB Cleaning Solutions, LLC 2572 University Place, NW	20009
Johnson	Danetta Lawuan	Self 211 16th Street, NE, #4	20002
Johnson	Traci	Self 1391 Pennsylvania Avenue, SE, M05	20003
Jones	Gwendolyn	Federal Housing Finance Agency 400 7 Street, SW	20219
Jones III	Robert D.	RJMobileNotary 128 Randolph Place, NW	20001
Kennedy	Vera Lee	Jackson & Campbell 2300 N Street, NW, Suite 300	20037
Khan	Aiman	The Chaklader Firm 1300 I Street, NW, Suite 400E	20005
King	Kimberly Ann	Self (Dual) 724 Oglethorpe Street, NW	20011
Lajoie	Sheena	Salis Holdings 4201 Georgia Avenue, NW	20011

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Recommendations for Appointments as DC Notaries PublicEffective: January 2, 2021
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Lamb	Alison	Public Defender Service 633 Indiana Avenue, NW	20004
LaTonja	Al-Hedaithy SA	Speedy Accounting Resources, LLC 4409 Nash Street, NE	20019
Lee	Terrell	Veritext Legal Solutions 1250 I Street, NW, Suite 350	20005
Mara	Erin Claire	Keller Williams Capital Properties 1918 18th Street, NW	20009
Martin	Donald H.	Self 2007 13th Street, NW	20009
Mason	Annette Joyce	Office of Pay And Retirement Services 441 4th Street, NW, Suite 400 South	20001
Matthews	Latoya Denise	Self 4407 G Street, SE, Simple City	20019
McAndrew	Stephanie Anne	Self 730 15th Street, SE, Apt 1	20003
McTerrell	Anasa Kai	Self 421 32nd Street, SE, Apartment 1b	20019
Morris-King	Christopher Paul	Self 5414 1st Place, NW, #301	20011
Munce	Caleb	Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Ogburn	Joyce M.	Office of the Secretary, Office of Notary Commissions and Authentications 441 4th Street, NW, Suite 810South	20001
Onley	Cheryl D.	Cooley, LLP 1299 Pennsylvania Avenue, NW, #700	20004

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: January 2, 2021
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Oyegbola	Waleola	Self 2020 12th Street, NW	20009
Park	Youn	Tobin O'Connor & Ewing 5335 Wisconsin Avenue, NW, Suite 700	20015
Parker	Tiphany A.	Self 1175 3rd Street, NE	20002
Patterson	Joan	Self 620 Raleigh Place, SE	20032
Porter	Samantha Courtney	Self 2589 Naylor Road, SE, #306	20020
Ramsey	Colleen	PRP REI, LLC 1909 K Street, NW	20006
Rich	Kimberly	DOJ-US Attorney's Office for DC 555 4th Street, NW	20001
Ross	Stephanie	Self 4512 8th Street, NW	20011
Ruben	Stephen D.	Law Offices of Ruben and Ruben 712 H Street, NW	20002
Sakyi	Andrea	Progressive Life Center, Inc 1704 17th Street, NE	20002
Shoemaker	Paige J.	Chemonics 1717 H Street, NW, #1	20006
Silverio	Camila Natalia	WKM Solutions, LLC 900 17Th Street, NW, Suite 650	20006
Smith	Shaunte	Self 4937 Call Place, SE	20019
Stewart	Donna Marie	Self 2016 Maryland Avenue, NE, #106	20002

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Swift	Joanne L.	EagleBank 2001 K Street, NW	20006
Thurston	Joanna	Self 753 19th Street, NE	20002
Watson	Brenda	District of Columbia Hospital Association, (DCHA) 1152 15th Street, NW, Suite 900	20005
Whetstone	Kenzi	Self 2022 2nd Street, NW, #21	20001
White	Christopher Sean	Self (Dual) 1320 Randolph Street, NE	20017
Wilson	Blair McCall	Republican National Committee 310 First Street, SE	20003
Woody	Erica T.	OTJ Architects 555 11th Street, NW, Suite 200	20004

OFFICE OF THE SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA**REQUEST FOR APPLICATIONS****Grant to Promote District of Columbia
Voting Rights and Statehood****Release Date: Friday, December 4, 2020****Application Due Date: Monday, January 4, 2021****SECTION 1: FUNDING OPPORTUNITY**

Effective December 4, 2020, the Office of the Secretary of State, (the Office of the Secretary) pursuant to the City-Wide Grants Manual and Sourcebook (Section 7.2) issues the Request For Applications (RFA) entitled Grant to Promote District of Columbia Voting Rights and Statehood to provide all eligible applicants the opportunity to submit specific program activities that educate Americans about Mayor Muriel Bowser and the New Columbia Statehood Commission's initiatives to achieve full voting rights in the United States Congress, and, ultimately, statehood for Washington, DC. This RFA will be open on December 4, 2020, and will close on January 4, 2021 at Noon.

Background

The residents of Washington, DC serve in the military and pay federal taxes but continue to lack full democracy and the rights that residents of other states and municipalities enjoy, including autonomy from congressional oversight and obstruction, and voting representation in Congress.

The District of Columbia Home Rule Act of 1973 provided limited "Home Rule" for the District by allowing election of a Mayor and City Council of the District of Columbia. Since the inception of Home Rule, the District's elected officials and various groups have pursued strategies to raise awareness, and to work towards achieving voting representation in the U.S. House of Representatives and U.S. Senate, and DC statehood. Yet, democracy for the District has been derailed by the Charter itself, the courts, non-germane proposals restricting the District on must-pass Congressional legislation, riders-on appropriations bills, and insufficient support for enactment of various budget autonomy and statehood proposals in the United States Congress.

For over a decade, the District has allocated funds to nonprofit organizations for educating citizens around the nation and pursuing strategies that highlight the lack of full democracy in the nation's capital. In addition, since 1990, District residents have elected a "shadow" delegation to Congress in order to promote statehood. District residents have voted for, and the Mayor has supported, amending the Charter to allow for budget autonomy. The DC Council established the New Columbia Statehood Commission in 2014, adding to the District's advocacy for full democracy. In November 2016, over 86% of voters in

Washington, DC overwhelmingly approved an advisory referendum, confirming the desire to become the 51st state of the United States. More recently, in June 2020 the US House of Representatives held a vote to establish Washington, DC as a state.

The Office of the Secretary is charged with the responsibility of managing the funds allocated for voting rights and statehood initiatives. The Fiscal Year 2021 Budget authorized \$200,000 for the Office of the Secretary to issue competitive grants that promote voting rights and statehood for Washington, DC.

Purpose of the Program

The objective of this grant is to strengthen awareness for statehood for Washington, DC. This effort will require outreach, canvassing, and measurement of support of elected officials and Americans across the country, and visitors to the nation's capital. The ultimate goal of this program is that the grantee(s) are able to increase congressional and nationwide support for statehood for Washington, DC.

For fiscal year 2021, grantees are asked to contribute innovative ideas for leveraging the modern statehood effort underway in Puerto Rico.

This program is funded with FY2021 funds, which must be expended by September 30, 2021, with a full accounting provided to the Office of the Secretary no later than October 31, 2021. The final report in FY 2021 will require response in a prescribed format.

SECTION II: AWARD INFORMATION

\$200,000 in District of Columbia funds will be available on a competitive basis as follows:

- A. 50% of the funds will be awarded on a competitive basis to an organization or organizations dedicated specifically to engaging youth (high school, college and graduate students, and other young adults) involved or interested in civics, government, and voting rights, in innovative ways. By raising awareness through campaigns that include a branding and messaging strategy and that include outreach on social, digital, and print media, and other forms of communications. Such dedication can be evidenced by the organization's purpose, or through dedicated programming within the organization aimed at youth engagement.
- B. 50% of the funds will be awarded to a non-profit organization or organizations that engage in targeted campaigns that educate and raise awareness of the lack of voting rights and statehood for Washington, DC. Educational efforts should focus on outreach in both Washington, DC and all 50 states across the nation.

The release date of this Request for Applications (RFA) is December 4, 2020. This grant process conforms to the guidelines established in the District's City-Wide Grants Manual and Sourcebook (which is available at <http://opgs.dc.gov>).

All funds will be disbursed upon award of the grant, with a report and budget accounting required to be filed by September 30, 2021, and a final report due no later than October 31, 2021. All proposals must include a detailed description of how the funds will be spent, as well as a project plan, timeline, and metrics associated with tasks outlined in the proposal. Creative proposals should include fresh ideas that specifically address the requirements for the award to ensure a success application. Proposals that do not contain all requested information will not be considered.

SECTION III: ELIGIBILITY INFORMATION

Eligibility for this grant is restricted to:

- A. Nonprofits (with or without a 501(c) (3) certification) and community-based organizations with a current District of Columbia business license, a “Clean Hands” certification that indicates the organization does not owe money to the District or Federal governments, and no outstanding or overdue final reports for previous grants received from the District government for similar purposes.
- B. Organizations with a history of advocating for democracy and self-determination for the District of Columbia include, but are not limited to, District voting rights and statehood.
- C. Organizations with a financial track record and who are not reliant on another organization under a fiscal agent arrangement.
- D. If the organization is a past grantee, the organization must meet all past reporting and accounting requirements set by the Secretary of the District of Columbia.

SECTION IV: APPLICATION AND SUBMISSION INFORMATION

This Request for Applications is posted at <http://os.dc.gov> and <http://opgs.dc.gov>. Requests for copies of the RFA and related inquiries may be submitted to: Office of the Secretary of State of the District of Columbia, 1350 Pennsylvania Avenue, NW, Suite 419, Washington, DC 20004 or secretary@dc.gov, or 202-727-6306.

Application Forms and Content

All applications will be judged against the following requirements:

- 1. All proposals must be written in clear, concise and grammatically correct language. Narratives shall not exceed 2,500 words and must include responses to all the requirements specified in the RFA.
- 2. There is no set form on which applications must be written, but please be clear and brief.
- 3. The grant applicant shall focus efforts on education and outreach to residents of the 50 States, as well as members of Congress. Funds shall not be used to lobby

- directly or through grassroots advocacy, for or against particular pieces of legislation.
4. Grant applicants' efforts should not significantly consist of paid media advertisements.
 5. No more than 25% of awarded funds can go to pay for salaries.
 6. Proposal must be specific as to how funds will be expended including:
 - a. Names and resumes of all staff and consultants proposed to work on the program.
 - b. Justification of the need for grant funds.
 - c. Specific activities for which funds will be used.
 - d. Proposed line item budget.
 - e. Agreement to submit all deliverables listed in section VI.
 - f. Specific performance metrics and evaluation plans.
 - g. Thorough timeline and benchmarks.
 7. All certifications listed in the Application Process section **must** be included or the application will be disqualified.

Application Process & Requirements

Responses to the Request for Application shall be submitted via email to secretary@dc.gov or a hard copy delivered to the Office of the Secretary of State, 1350 Pennsylvania Avenue, NW, Suite 419, Washington, DC 20004. Applications delivered to the Office of the Secretary must be date-stamped no later than Noon on January 4, 2021.

The following criteria for all applications must be met. Applications that do not meet the requirements specified below will be disqualified from consideration:

1. All proposals shall include only written narratives without any additional input (such as DVDs, video, etc.).
2. All files submitted shall be in any of the following formats: MS Word, PDF, MS Excel, MS Publisher or any format compatible with those mentioned.
3. The following is required, but are not included in the 2,500 word narrative:
 - a. The EIN, also called the Federal Tax ID number of the organization;
 - b. The website and main contact information for the organization;
 - c. A list of the current Board of Directors including affiliation and contact information;
 - d. Biography or resume of all proposed project staff; and
 - e. A copy of the organization's most recent Form 990 submission to the Internal Revenue Service.
4. Copy of the most recent and complete set of audited financial statements available for the organization. If audited financial statements have never been prepared due to the size or newness of an organization, the applicant must provide an organizational budget, an income statement (or profit and loss statement), and a balance sheet certified by an authorized representative of the organization, and any

letters, filings, etc. submitted to the IRS within the three (3) years before the date of the grant application.

5. If the applicant is a 501(c)(3), evidence of 501(c)(3) status, a current business license, and copies of any correspondence received from the IRS within the three (3) years preceding the grant application that relates to the organization's tax status (*e.g.*, suspension, revocation, recertification, etc.) must be provided.
6. Application narratives shall be accompanied by a "Statement of Certification," the truth of which is attested to by the Executive Director or the Chair of the Board of Directors of the applicant organization, which states:
 - a. The individuals, by name, title, address, email, and phone number who are authorized to negotiate with the Office of the Secretary on behalf of the organization;
 - b. That the applicant is able to maintain adequate files, records, and can meet all reporting requirements;
 - c. That all fiscal records are kept in accordance with Generally Accepted Accounting Principles (GAAP) and account for all funds, tangible assets, revenue, and expenditures; that all fiscal records are accurate, complete and current at all times; and that these records will be made available for audit and inspection as required;
 - d. That the applicant is current on payment of all federal and District taxes, including Unemployment Insurance taxes and Workers' Compensation premiums. This statement of certification shall be accompanied by a certificate from the District of Columbia Office of Tax and Revenue (OTR) stating that the entity has complied with the filing requirements of District of Columbia tax laws and has paid taxes due to the District of Columbia or is in compliance with any payment agreement with OTR;
 - e. That the applicant has demonstrated administrative and financial capability to provide and manage the proposed services and ensure an adequate administrative, performance, and audit trail;
 - f. That the applicant is not proposed for debarment or presently debarred, suspended, or declared ineligible, as required by Executive Order 12549, "Debarment and Suspension," and implemented by 2 CFR 180, for prospective participants in primary covered transactions and is not proposed debarment or presently debarred as a result of any actions by the District of Columbia Contract Appeals Board, the Office of Contracting and Procurement, or any other District contract regulating Agency;
 - g. That the applicant has the necessary organization, experience, accounting operational controls, and technical skills to implement the program, or the ability to obtain them;
 - h. That the applicant has the ability to comply with the required performance schedule, taking into consideration all existing and reasonably expected commercial and governmental business commitments;
 - i. That the applicant has a satisfactory record performing similar activities as detailed in the award;

- j. That the applicant has a satisfactory record of integrity and business ethics (Clean Hands Certificate);
- k. That the applicant is in compliance with the applicable District licensing and tax laws and regulations (Clean Hands Certificate);
- l. That, if the applicant has previously won a similar award from the District of Columbia government, it has submitted all reports due and owing;
- m. That the applicant complies with provisions of the Drug-Free Workplace Act;
- n. That the applicant meets all other qualifications and eligibility criteria necessary to receive an award under applicable laws and regulations;
- o. The applicant agrees to indemnify, defend, and hold harmless the Government of the District of Columbia and its authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/ or liability arising out of this grant from any cause whatsoever, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the District on account of any claim therefore, except where such indemnification is prohibited by law; and
- p. If any of the organization's officers, partners, principals, members, associates or key employees, within the last three (3) years prior to the date of the application, has:
 - i. Been indicted or had charges brought against them (if still pending) and/or been convicted of (a) any crime or offense arising directly or indirectly from the conduct of the applicant's organization or (b) any crime or offense involving financial misconduct or fraud, or
 - ii. Been the subject of legal proceedings arising directly from the provision of services by the organization. If the response is in the affirmative, the applicant shall fully describe any such indictments, charges, convictions, or legal proceedings (and the status and disposition thereof) and surrounding circumstances in writing and provide documentation of the circumstances.

Timeline

All applications shall be submitted by email to secretary@dc.gov or delivered to the Office of the Secretary of State, 1350 Pennsylvania Avenue, NW, Suite 419, Washington, DC 20004 no later than Noon on Monday, January 4, 2021. The Office of the Secretary is not responsible for misdirected email or late deliveries.

Terms and Conditions

1. Funding for this award is contingent upon the continued funding from the grantor, including possible funding restrictions pursuant to the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341,1342,1349-51, and 1511-1519 (2004); the District Anti-Deficiency Act, D.C. Official Code §§ 1-206.03(e), 47-105, and 47-355.01-355.08 (2001); and Section 446 of the District of Columbia Home Rule Act, D.C. Official Code § 1-204.46 (2014 Repl.). Nothing in this Request for Applications shall create an obligation of the District in anticipation of an appropriation by

Congress and/or the Council of the District of Columbia (the "Council") for such purpose as described herein. The District's legal liability for any payment pursuant to this RFA shall not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year as approved by Congress and/or the Council, and shall become null and void upon the lawful unavailability of such funds under these or other applicable statutes and regulations.

2. The Office of the Secretary reserves the right to accept or deny any or all applications if the Secretary determines it is in the best interest of the government to do so. The Secretary shall notify the applicant if it rejects an applicant's proposal. The Secretary may suspend or terminate an outstanding RFA pursuant to the policies set forth in the City-Wide Grants Manual and Sourcebook.
3. The Office of the Secretary reserves the right to issue addenda and/or amendments subsequent to the issuance of the RFA, or to rescind the RFA.
4. The Office of the Secretary shall not be liable for any costs incurred in the preparation of applications in response to the RFA. Applicant agrees that all costs incurred in developing the application are the applicant's sole responsibility.
5. The Office of the Secretary may conduct pre-award on-site visits to verify information submitted in the application and to determine if the applicant's facilities are appropriate for the services intended.
6. The Office of the Secretary may enter into negotiations with an applicant and adopt a firm funding amount or other revision of the applicant's proposal that may result from negotiations.
7. To receive an award, the selected grantee shall provide in writing, the name of all of its insurance carriers and the type of insurance provided (e.g., its general liability insurance carrier and automobile insurance carrier, workers' compensation insurance carrier, fidelity bond holder (if applicable), and, before execution of the award, a copy of the binder or cover sheet of their current policy for any policy that covers activities that might be undertaken in connection with performance of the grant, showing the limits of coverage and endorsements. All policies (except the workers' compensation, errors and omissions, and professional liability policies) that cover activities that might be undertaken in connection with the performance of the grant, shall contain additional endorsements naming the Government of the District of Columbia and its officers, employees, agents and volunteers as additional named insured with respect to liability abilities arising out of the performance of services under the award. The grantee shall require their insurance carrier of the required coverage to waive all rights of subrogation against the District, its officers, employees, agents, volunteers, contractors, and subcontractors.

8. To receive an award, the selected grantee must submit a completed IRS Form W-9 and a banking ACH form from the District of Columbia with the signed Notice of Grant Agreement (NOGA).
9. If there are any conflicts between the terms and conditions of the RFA and any applicable federal or local law or regulation, or any ambiguity related thereto, then the provisions of the applicable law or regulation shall control and it shall be the responsibility of the applicant to ensure compliance.

SECTION V: APPLICATION REVIEW INFORMATION

All proposals will be reviewed by a panel selected by the Secretary of the District of Columbia and may include reviewers from the Executive Office of the Mayor as well as outside reviewers. The ratings awarded each applicant shall be public information and shall be made based on the following criteria:

1. Demonstrated ability to make progress toward increasing nationwide awareness of the lack of voting rights and statehood for Washington, DC during the grant period: 50%;
2. Specificity and feasibility of proposed activities: 25%;
3. History of effectively supporting democracy and statehood efforts: 10%; and
4. Specificity of performance measures: 15%.

SECTION VI: AWARD ADMINISTRATION INFORMATION

Grant award (s) will be announced on the Office of the Secretary website no later than January 11, 2021. Unsuccessful applicants will be notified by email at the address from which the application was sent (unless otherwise specified) prior to the announcement of the winners. Disbursement of grant funds will occur as soon as practicable following the announcement of the selection of the awardee(s).

Deliverables

Project requirements that must be submitted on or before due dates include:

1. A project plan with detailed expense projections for the amount requested. (Due within 15 calendar days of grant award.)
2. Progress report detailing expenditures to date and summary of work completed shall be included with the final report due October 31, 2021. Final Reports will have a prescribed format in FY 2021.
3. Expenditure of grant funds before September 30, 2021.
4. A final report provided by the grant recipient(s) no later than October 31, 2021. The close out or final report shall include detailed accounting of all expenditures for each project and summary of work completed under the grant.

SECTION VII: AGENCY CONTACT

All inquiries regarding this Request for Applications should be directed to:

Alma Candelaria

Deputy Secretary of State of the District of Columbia

Office of the Secretary of State of the District of Columbia

13501 Pennsylvania Avenue, NW, Suite 419

Washington, DC 20004

Secretary@dc.gov

202-727-6306

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, December 17, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | | |
|-----|-------------------------------|------------------------------------------------------------------------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Vice-President, Wastewater Ops |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Senior VP, CIP Project Delivery |
| 4. | Project Status Updates | Director, Engineering & Technical Services |
| 5. | Action Items | Senior VP, CIP Project Delivery |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Senior Director, Water Ops |
| 7. | Action Items | Senior VP, CIP Project Delivery
Senior Director, Water Ops
Director, Customer Care |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Tuesday, December 15, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water’s website at www.dewater.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@dewater.com.

DRAFT AGENDA

- | | | |
|----|-------------------------------------------|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | November 2020 Financial Report | Committee Chairperson |
| 3. | Agenda for January 2021 Committee Meeting | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, December 15, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water’s website at www.dewater.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@dewater.com.

DRAFT AGENDA

- 1. Call to Order Committee Chairperson
- 2. Monthly Updates Executive VP, Finance & Procurement
- 3. Committee Work Plan Executive VP, Finance & Procurement
- 4. Other Business Executive VP, Finance & Procurement
- 5. Adjournment Committee Chairperson

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

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

HEARING DATE (19466):	May 10, 2017
DECISION DATE (19466):	May 31, 2017
ORDER ISSUANCE DATE (19466):	June 12, 2017
MODIFICATION HEARING DATE:	November 18, 2020 ¹
MODIFICATION DECISION DATE:	November 18, 2020

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE

Original Application. In Application No. 19466, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Beresford Davis (the “Applicant”) for special exceptions under the parking requirements of Subtitle C § 703.2 and the RF use requirements of Subtitle U § 320.2. The Board issued Order No. 19466 on June 12, 2017. (Exhibit 47 of the record for Case No. 19466.)

Proposed Modification. On February 17, 2020, the Applicant submitted a request for modification of consequence to Order No. 19466. (Exhibit 1.) The modification includes an increase in building height to add a third story for the previously approved three-unit apartment house in the RF-1 Zone. The Applicant submitted revised plans reflecting these modifications. (Exhibit 3.) Based on the proposed modifications to the approved plans, the Applicant requests relief under Subtitle A § 304.13, from the modification requirements of Subtitle A § 304.10(e). The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.)

Notice of the Request for Modification. Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of consequence on the parties to the original application. (Exhibit 8.)

¹ Case No. 19466A was originally submitted as a Modification of Consequence and scheduled for the April 1, 2020 Public Meeting. However, the April 1, 2020 Public Meeting was rescheduled for a virtual public meeting on April 29, 2020, based on the closures and postponements related to the public health emergency declared on March 11, 2020. At the April 29, 2020 Virtual Public Meeting, the Board determined the application should be publicly noticed as a Modification of Significance and was rescheduled for the November 18, 2020 Public Hearing.

After having determined that the request should be a modification of *significance*, the Board referred the application for modification of significance to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.²

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 10, 2020, at which a quorum was present, the ANC voted 5-0-0 to support the request. ANC 5D02 Commissioner Keisha Shropshire testified in support of the application at the public hearing. (Exhibit 38.)

OP Report. Office of Planning submitted an original report recommending approval of the proposed modification of significance, followed by a supplemental report continuing to conclude that the Applicant has satisfied the standards for approval based on the Zoning Commission Text Amendment 19-21. (Exhibits 13, 35.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of significance. (Exhibit 11.)

Request for Modification of Significance

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence³ requires a public hearing and is a modification of significance. The Applicant's request complies with 11 DCMR Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

As directed by 11 DCMR Subtitle A § 304.13 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for the modification of significance. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

"Great Weight" to the Recommendations of OP

The Board is required to 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 Y § 405.8). The Board finds OP's recommendation that the Board approve the application persuasive and concurs in that judgment.

² The Board waived the requirements of Subtitle Y § 402.1(a) because notice was provided in the *DC Register* less than 40 days. However, all other forms of notice were provided, and no prejudice resulted to any party.

³ See, Subtitle Y §§ 703.3 and 703.4.

“Great Weight” to the Written Report of the ANC

The Board 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 Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the application persuasive and concurs in that judgment.

Pursuant to 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 for modification of significance of BZA Order No. 19466 is hereby **GRANTED**, subject to the **APPROVED PLANS** at **Exhibit 43** of Application No. 19466, as modified by **EXHIBIT 3 - ARCHITECTURAL PLANS AND ELEVATIONS** – of Application No. 19466A.

In all other respects, Order No. 19466 remains unchanged.

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Chrisaun 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: November 24, 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.

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

Application No. 20304 of 721 Kenyon DCBS, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle U § 320.2, including a waiver from Subtitle U § 320.2(e) and 320.2(h), and under Subtitle E § 5201 from the side yard requirements of Subtitle E § 207.3, to construct a third-story and a three-story rear addition and to convert an existing semi-detached principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 721 Kenyon Street, N.W. (Square 2892, Lot 839).

HEARING DATE: November 4, 2020

DECISION DATE: November 4, 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 § 402.1.1¹

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 1A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 8, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 34.) At the hearing, ANC 1A Commissioner Michael Wray testified in support of the application.

OP Report. The Office of Planning submitted a report, dated October 23, 2020, recommending approval of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation submitted a report, dated October 20, 2020, indicating that it had no objection to the application. (Exhibit 38.)

Persons in Support. The Board received two letters and a list of eight signatures in support of the application. (Exhibits 13 and 41.)

¹The Board waived the requirements of Subtitle Y § 402.1(a) because notice was provided in the *DC Register* less than 40 days. All other forms of notice were provided, and no prejudice resulted to any party.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle U § 320.2, including a waiver from Subtitle U § 320.2(e) and 320.2(h), and under Subtitle E § 5201 from the side yard requirements of Subtitle E § 207.3, to construct a third-story and a three-story rear addition and to convert an existing semi-detached principal dwelling unit into a three-unit apartment house in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 35A – UPDATED ARCHITECTURAL PLANS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith and Peter A. Shapiro 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: November 19, 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.

² Self-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 § 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. 20343 of Cara Cook, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, to construct a second story rear addition to an existing detached principal dwelling unit in the R-1-A Zone at premises 2628 Moreland Place, N.W. (Square 2307, Lot 12).

HEARING DATE: Applicant waived the right to a public hearing
DECISION DATE: November 18, 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 22.)

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 the 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 § 402.1.¹

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3G.

ANC Report. ANC 3G did not submit a report for this application.

OP Report. The Office of Planning submitted a report, dated November 6, 2020, recommending approval of the application. (Exhibit 36.)

¹ The Board waived the requirements of Subtitle Y § 402.1(a) because notice of the application and public meeting were provided in the *DC Register* less than 40 days. However, all other forms of notice were provided, and no prejudice resulted to any party.

DDOT Report. The District Department of Transportation submitted a report, dated November 6, 2020, indicating that it had no objection to the application. (Exhibit 37.)

Persons in Support. The Board received letters from two adjacent neighbors in support of the application. (Exhibits 13 and 14.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, to construct a second story rear addition to an existing detached principal dwelling unit in the R-1-A Zone.

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 5 – 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: November 24, 2020

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.

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.

**BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC MEETING NOTICE
 WEDNESDAY, DECEMBER 9, 2020
 VIRTUAL MEETING 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

Application of:	Eighth Street, LLC
Case No.:	18238A
Address:	413 8th Street S.E. (Square 902, Lot 828)
ANC:	6B03
Relief:	Modification of Consequence pursuant to: <ul style="list-style-type: none"> • Subtitle Y § 703.2
Project:	To request a modification of consequence to the conditions of BZA Order No.18238, to extend the conditions of the special exception granted on July 19, 2011, for an additional ten years, to allow a fast food use in the MU-25 Zone.

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 MEETING NOTICE (REVISED)

DECEMBER 9, 2020

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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

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

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

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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 (REVISED)

DECEMBER 9, 2020

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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

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