

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-502, Unemployment Benefits Extension Temporary Amendment Act of 2020
- D.C. Council enacts Act 23-503 to establish the Office of Racial Equity to coordinate the District's efforts to achieve racial equity
- D.C. Council enacts Act 23-506 to require prescription opioid medications to include a statement that informs the user of the overdose and addiction risks
- D.C. Council enacts Act 23-523 to require on an emergency basis, the Metropolitan Police Department to provide a written report every two pay periods on its overtime pay spending
- D.C. Council schedules a public oversight roundtable on “Exploring Non-Law Enforcement Alternatives to Meeting Community Needs”
- DC Commission on the Arts and Humanities announces funding for the FY 2021 Facilities and Buildings Relief for mortgage and rent support
- Office of the Deputy Mayor for Education seeks partners to develop common financial reporting standards for the District’s public charter and public schools
- Department of For Hire Vehicles seeks partners to implement the Department of Behavioral Health’s transportation service

The Mayor of the District of Columbia modifies requirements relating to physical activity to combat escalation of the COVID-19 pandemic during Phase Two of Washington, DC reopening (Mayor’s Order 2020-123)

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.

Viewing the DC Register

The Office of Documents and Administrative Issuances publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *D.C. Register*. Copies of the *Register* from April 2003 through July 2010 are also available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the Register from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtonian Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *Register*. News services are encouraged to publish all or part of the *Register*.

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

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A23-500 CleanEnergy DC Omnibus Technical Amendment
Temporary Amendment Act of 2020 (B23-979).....014383 - 014384

A23-501 Common Interest Community Virtual Meeting
Temporary Amendment Act of 2020 (B23-982).....014385 - 014387

A23-502 Unemployment Benefits Extension Temporary
Amendment Act of 2020 (B23-984)014388 - 014389

A23-503 Racial Equity Achieves Results (REACH)
Amendment Act of 2020 (B23-38)014390 - 014395

A23-504 Certificate of Stillbirth Amendment Act of 2020
(B23-529)014396 - 014398

A23-505 Dr. Montague Cobb Way Designation Act of 2020
(B23-532)014399 - 014400

A23-506 Opioid Labeling Amendment Act of 2020 (B23-535)014401 - 014402

A23-507 Closing of a Public Alley in Square 2892,
S.O. 19-47478, Act of 2020 (B23-580).....014403 - 014404

A23-508 Gail Cobb Way Designation Act of 2020 (B23-609).....014405 - 014406

A23-509 Cecelia's Way Designation Act of 2020 (B23-680)014407 - 014408

A23-510 District of Champions Extension of Hours
Amendment Act of 2020 (B23-706)014409 - 014410

A23-511 Expanding Equitable Access to Schools
Amendment Act of 2020 (B23-717)014411 - 014413

A23-512 Nurse Staffing Agency Amendment Act of 2020
(B23-752)014414 - 014415

A23-513 Earl Wright, Jr. Way Designation Act of 2020
(B23-839)014416 - 014417

A23-514 Contract No. DCAM-15-AE-0158 and Change Order
Nos. 1, 3, and 5 with Cox Graae + Spack Architects, P.C.
Approval and Payment Authorization Emergency
Act of 2020 (B23-973)014418 - 014419

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

D.C. ACTS CONT'D

A23-515 Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Congressional Review Emergency Amendment Act of 2020 (B23-990)014420 - 014422

A23-516 Gail Cobb Way Designation Emergency Act of 2020 (B23-991)014423 - 014424

A23-517 Capital Gains Deduction Clarification Emergency Amendment Act of 2020 (B23-993)014425 - 014426

A23-518 Modification to Contract No. SO-15-030-0001049 Approval and Payment Authorization Emergency Act of 2020 (B23-996)014427 - 014428

A23-519 Child Enrollment Preference Emergency Amendment Act of 2020 (B23-997)014429 - 014430

A23-520 Public Space Maintenance and Arts Clarification Emergency Amendment Act of 2020 (B23-998)014431 - 014432

A23-521 Racial Equity Achieves Results (REACH) Emergency Amendment Act of 2020 (B23-1000)014433 - 014438

A23-522 Fiscal Year 2021 Budget Support Additional Clarification Emergency Amendment Act of 2020 (B23-1004)014439 - 014441

A23-523 Metropolitan Police Department Overtime Spending Accountability Emergency Act of 2020 (B23-1002)014442 - 014443

RESOLUTIONS

Res 23-599 Fiscal Year 2021 Budget Support Clarification Congressional Review Emergency Declaration Resolution of 2020 014444

Res 23-600 Sanctuary Values Second Congressional Review Emergency Declaration Resolution of 2020 014445

Res 23-601 Sexual Assault Victims’ Rights Clarification Congressional Review Emergency Declaration Resolution of 2020 014446

Res 23-605 Contract No. CFOPD-11-C-024, Banking Services Approval Resolution of 2020..... 014447

Res 23-606 Contract No. CFOPD-11-C-023, Banking Services Approval Resolution of 2020..... 014448

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

RESOLUTIONS CONT'D

Res 23-608 Modifications to Contract No. CW67648 with Summit Food Services, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2020014449 - 014450

Res 23-609 Contract No. DCCB-2020-F-0026 with Edelson PC, Approval and Payment Authorization Emergency Declaration Resolution of 2020..... 014451

Res 23-612 FOIA Tolling Emergency Declaration Resolution of 2020014452 - 014453

Res 23-614 Police Reform Commission Extension Emergency Declaration Resolution of 2020.....014454 - 014455

COUNCIL HEARINGS

Notice of Public Oversight Roundtable -
Exploring Non-Law Enforcement Alternatives to Meeting Community Needs014456 - 014457

OTHER COUNCIL ACTIONS

Notice of Grant Budget Modification -
GBM 23-117 FY 2020 Grant Budget Modifications as of November 17, 2020..... 014458

Notice of Reprogramming Request -
23-143 Request to reprogram \$500,000 of Fiscal Year 2021 capital budget from the Department of General Services to the Department of Parks and Recreation 014459

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -
The Boiling Crab - ANC 6C - New - READVERTISEMENT 014460
The Boiling Crab - ANC 6C - New - RESCIND 014461
U First Mart - ANC 5E - Renewal 014462
Vitis Vinos - ANC 6D - New 014463

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Zoning Adjustment, Board of - February 10, 2021 - Virtual Meeting Via WebEx (Revised)

18238A	Eighth Street, LLC - ANC 6B.....	014464 - 014469
20372	Aulona Alia - ANC 5E.....	014464 - 014469
20373	3321 13th Street, LLC - ANC 8E.....	014464 - 014469
20375	Quincy Street Condominium Association - ANC 5B.....	014464 - 014469
20378	1419 Trinidad, LLC - ANC 5D.....	014464 - 014469
20379	Andrew Hanko and Carol Connelly - ANC 6B.....	014464 - 014469
20380	Polygon Holdings, LLC - ANC 3D.....	014464 - 014469
20381	Thomas Sullivan and Heather Greenfield - ANC 6B.....	014464 - 014469
20385	Matthew and Jacqueline Robertson, and Bernadette Eichelberger - ANC 2E.....	014464 - 014469

Zoning Adjustment, Board of - March 3, 2021 - Virtual Meeting Via WebEx

20384	Charles Wood and Elizabeth Van Beuren - ANC 3B.....	014470 - 014474
20387	Andrea and Christopher Schierkolk - ANC 5B.....	014470 - 014474
20388	2615 13th Street, LLC - ANC 1B.....	014470 - 014474
20390	Potomac Venture Group, LLC - ANC 4B.....	014470 - 014474
20393	Amy Dapot - ANC 6A.....	014470 - 014474
20394	Rover Enterprises, LLC - ANC 2E.....	014470 - 014474
20396	3315 11th Street Holdings, LLC - ANC 1A.....	014470 - 014474

Zoning Commission - Case -

20-28	FC 110 N ST SE LLC.....	014475 - 014478
-------	-------------------------	-----------------

FINAL RULEMAKING

Alcoholic Beverage Regulation Administration -

Amend 23 DCMR (Alcoholic Beverages), Ch. 1 (Provisions of General Applicability), Ch. 2 (License and Permit Categories), Ch. 4 (General Licensing Requirements), Ch. 5 (License Applications), Ch. 6 (License Changes), Ch. 7 (General Operating Requirements), Ch. 9 (Prohibited and Restricted Activities), Ch. 10 (Endorsements), Ch. 11 (Advertising), Ch. 12 (Records and Reports), Ch. 13 (Transport of Beverages), Ch. 15 (Applications: Notice of Hearings Involving Licenses), Ch. 16 (Contested Hearings, Non-Contested Hearings, Protest Hearings, and Procedures), Ch. 17 (Procedural Requirements for Board Hearings), Ch. 18 (Petition Procedures), Ch. 19 (Complaints: Inquiries to the Board), and Ch. 20 (Caterer’s License), to make technical amendments to several sections of Title 23 of the DCMR.....	014479 - 014501
---	-----------------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Elections, DC Board of -
 Amend 3 DCMR (Elections and Ethics),
 Ch. 5 (Voter Registration),
 Sec. 500 (General Requirements for Voter Registration),
 Sec. 520 (Cancellation of Voter Registration General
 Grounds and Procedures),
 Ch. 7 (Election Procedures),
 Sec. 706 (Poll Watchers and Election Observers),
 Sec. 712 (Special Ballot Appeal Rights), and
 Sec. 720 (Absentee Voting), to place rules into conformity
 with the General Elections Preparation Emergency Amendment
 Act of 2020, to clarify that cameras may be used in voting and
 counting locations as long as they do not disrupt or interfere
 with the election administration process, and to establish that
 requests for absentee ballots must be received by the 15th day
 before Election Day 014502 - 014505

Zoning Commission, DC - Z.C. Case No. 20-03
 Amend 11 DCMR (Zoning Regulations of 2016),
 Subtitle B (Definitions, Rules of Measurement, and Use Categories),
 Ch. 1 (Definitions), Sec. 100 (Definitions),
 Ch. 2 (Use Categories), Sec. 200 (Introduction)..... 014506 - 014516

Subtitle C (General Rules),
 Ch. 7 (Vehicle Parking),
 Sec. 701 (Minimum Vehicle Parking Requirements),
 Ch. 8 (Bicycle Parking),
 Sec. 802 (Minimum Number of Bicycle Parking Spaces),
 Ch. 9 (Loading), Sec. 901 (Loading Requirements) 014506 - 014516

Subtitle H (Neighborhood Mixed Use (NC) Zones),
 Ch. 11 (Use Permissions for NC Zones),
 Sec. 1103 (Matter-of-Right Uses
 (NC-Use Groups A, B, and C)) 014506 - 014516

Subtitle K (Special Purpose Zones),
 Ch. 4 (Hill East Zones – HE-1 through HE-4),
 Sec. 415 (Prohibited Uses in the HE Zones (HE)),
 Ch. 6 (Saint Elizabeths East Campus Zones – StE-1 through StE-19),
 Sec. 615 (Prohibited Uses (STE)),
 Ch. 9 (Walter Reed Zones – WR-1 through WR-8),
 Sec. 914 (Prohibited Uses (WR)) 014506 - 014516

Subtitle U (Use Permissions),
 Ch. 8 (Use Permissions Production, Distribution, and Repair (PDR) Zones),
 Sec. 801 (Matter-of-Right Uses (PDR)),
 Sec. 802 (Special Exception Uses (PDR)),
 to require certain ground floor uses in self storage establishment 014506 - 014516

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Zoning Commission, DC - Z.C. Case No. 20-17
 Amend 11 DCMR (Zoning Regulations of 2016),
 Subtitle Z (Zoning Commission Rules of Practice and Procedure),
 Ch. 7 (Approvals and Orders),
 Sec. 702 (Validity of Approvals and Implementation),
 to suspend certain types of conditions of approved Campus
 Plans, the universities' re-opening plans, and associated PUDs
 during the 2020-2021 academic year due to the COVID-19
 pandemic and associated public health emergency measures 014517 - 014521

PROPOSED RULEMAKING

Zoning Commission - Z.C. Case No. 19-30
 Amend the Zoning Map in ANC 5D, Squares 4494, 4495, 4506,
 and 4507 and Parcels 160/22 and 160/38, to balance out the
 downzoning to the RF-4 zone with the upzoning to the
 MU-5A zone to create more affordable housing and
 family-sized housing..... 014522 - 014527

Zoning Commission, DC - Z.C. Case No. 20-20
 Amend 11 DCMR (Zoning Regulations of 2016),
 Subtitle I (Downtown Zones),
 Ch. 3 (General Zone-Based Requirements and Conditions),
 Sections 302 and 303..... 014528 - 014548
 Subtitle U (Use Permissions),
 Ch. 5 (Use Permissions Mixed-Use (MU) Zones),
 Sections 507, 508, 510, 512, 513, and 515 - 519,
 to revise animal care and animal sales requirements 014528 - 014548

EMERGENCY RULEMAKING

Alcoholic Beverage Regulation Administration -
 Amend 22 DCMR (Health), Subtitle C (Medical Marijuana),
 Ch. 99 (Definitions), Sec. 9900 (Definitions),
 to amend the definitions of “nonresident card” and “state-issued
 document” to include U.S. territories so that nonresident qualified
 patients located in a U.S. territory with an active medical cannabis
 program that issues patient cards or government issued documents
 may receive medical cannabis from a District dispensary 014549

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING

Education, Office of the State Superintendent of -
 Amend 5 (Education),
 Subtitle A (Office of the State Superintendent of Education),
 Ch. 1 (Child Development Facilities: Licensing),
 Sec. 166 (Child Development Center: Assistant Teacher
 Qualifications and Responsibilities),
 Sec. 168 (Child Development Home: Caregiver Qualifications
 and Responsibilities), and
 Sec. 171 (Expanded Child Development Home: Associate
 Caregiver Qualifications and Responsibilities),
 to extend the deadline for staff members to comply with specific
 credential requirements for assistant teachers and home caregivers..... 014550 - 014551

Health, Department of (DC Health) -
 Amend 17 DCMR (Business, Occupations, and Professionals),
 Ch. 42 (Dentistry),
 Sec. 4204 (Licensure by Examination), and
 Sec. 4206 (Continuing Education Requirements), to modify the
 licensure examination requirements for dentists by approving
 acceptance of nonpatient-based examinations and to amend the
 continuing education requirements for dentists by allowing all of the
 continuing education requirements, except for cardiopulmonary
 resuscitation certification for health care providers, to be satisfied
 through approved online courses; Second Emergency
 and Proposed Rulemaking to incorporate the position change by
 the Board of Dentistry from Emergency and Proposed Rulemaking
 published on September 18, 2020 at 67 DCR 011151..... 014552 - 014553

Health, Department of (DC Health) -
 Amend 17 DCMR (Business, Occupations, and Professionals),
 Ch. 43 (Dental Hygiene),
 Sec. 4304 (Licensure by Examination), and
 Sec. 4306 (Continuing Education Requirements), to modify the
 licensure examination requirements for dental hygienists by
 approving acceptance of nonpatient-based examinations and to
 amend the continuing education requirements for dental hygienists
 by allowing all of the continuing education requirements to be
 satisfied through approved online courses; Second Emergency
 and Proposed Rulemaking to incorporate the position change by
 the Board of Dentistry from Emergency and Proposed Rulemaking
 published on September 18, 2020 at 67 DCR 011153..... 014554 - 014555

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS

MAYOR'S ORDERS

2020-122 Delegations of Authority Authorized During
 COVID-19014556 - 014557

2020-123 Modified Requirements Relating to Physical
 Activity to Combat Escalation of COVID-19
 Pandemic During Phase Two014558 - 014561

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES

Administrative Hearings, Office of -
 Advisory Committee Meeting - Notice of Public Meeting -
 December 15, 2020014562

Arts and Humanities, DC Commission on the -
 Notice of Funding Availability -
 FY 2021 Facilities and Buildings Relief Grants014563

Behavioral Health, Department of -
 Notice of Free-Standing Mental Health Clinic
 Providers Certification Exemption..... 014564

Education, Office of the Deputy Mayor for -
 Notice of Funding Availability -
 Common Financial Reporting Standards 014565

Education, Office of the State Superintendent of -
 Notice of Administrative Issuance - Change in DC Tuition
 Assistance Grant Application Deadline014566 - 014567

Energy and Environment, Department of -
 Notice of Application to Perform a Voluntary Cleanup -
 100 V Street, SW - No. VCP2020-071 014568

Federal and Regional Affairs, Office of -
 New Columbia Statehood Commission -
 Notice of Public Meeting - December 16, 2020..... 014569

For-Hire Vehicles, Department of -
 Notice of For-Hire Vehicles Advisory Council Meeting -
 December 15, 2020014570

Notice of Funding Availability -
 FY21 My Rides Pilot Program.....014571 - 014572

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Green Finance Authority, DC (DC Green Bank) -
 Notice of Regular Meeting of Board - December 17, 2020 014573

Health, Department of (DC Health) -
 Notice of Board of Medicine Meeting - December 17, 2020..... 014574
 Scientific Advisory Committee Public Meeting -
 December 15, 2020 014575

Public Employee Relations Board - Opinion -
 1763 PERB Case No. 20-A-07- Motion for Reconsideration -
 Metropolitan Police Department v. Fraternal Order of Police/
 Metropolitan Police Department Labor Committee014576 - 014578

Secretary, Office of the -
 Recommendations for Appointments as DC Notaries Public -
 Effective January 15, 2021 014579 - 014586

Shining Stars Montessori Academy Public Charter School -
 Request for Proposals - Multiple Services014587

Washington Convention and Sports Authority (t/a Events DC) -
 Board of Directors - 2021 Public Meeting Schedule014588

Zoning Adjustment, Board of - Cases -
 20288 Shannon Perry - ANC 2F - Order014589 - 014591
 20316 Scott B. Jacobs - ANC 1A - Order014592 - 014595

Zoning Commission - Case -
 15-22A 301 FL Manager, LLC - Order014596 - 014600

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-500

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “CleanEnergy DC Omnibus Technical Amendment Temporary Amendment Act of 2020”.

Sec. 2. Title III of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.21 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 8-1772.21) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase “January 1, 2023” and inserting the phrase “January 1, 2027” in its place.

(B) Paragraph (3) is amended by striking the phrase “January 1, 2026” and inserting the phrase “January 1, 2033” in its place.

(2) Subsection (b)(1)(A) is amended to read as follows:

“(b)(1)(A) No later than January 1, 2021, and every 6 years thereafter, DOEE shall, by rulemaking or publication on the DOEE website, establish property types and building energy performance standards for each property type, or an equivalent metric for buildings that do not receive an ENERGY STAR score.”.

(3) Subsection (c) is amended to read as follows:

ENROLLED ORIGINAL

“(c) All buildings below the energy performance standard for their property type, established pursuant to subsection (b)(1) and (2) of this section, shall have 5 years from the date the performance standards are established to meet the building energy performance requirements established by DOEE.”.

(b) The lead-in language in section 303 (D.C. Official Code § 8-1772.22) is amended by striking the phrase “January 1, 2020” and inserting the phrase “January 1, 2021” in its place.

Sec. 3. Section 6(j)(1A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1A)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “January 1, 2020” and inserting the phrase “January 1, 2021” in its place.

(b) Subparagraph (E) is amended to read as follows:

“(E) Changes to the vehicle excise tax made pursuant to this paragraph shall be revenue neutral or revenue positive.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-501

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Common Interest Community Virtual Meeting Temporary Amendment Act of 2020”.

Sec. 2. Section 29-936 of the District of Columbia Official Code is amended as follows:

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

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

“(b) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws, members may participate in regular and special meetings of members remotely.”.

Sec. 3. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.03), is amended by adding new a subsection (f) to read as follows:

“(f) Notwithstanding any language contained in this act or in the condominium instruments, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

“(1) The executive board may authorize unit owners to submit votes by electronic transmission up to 7 days before the scheduled date of any meeting of the unit owners, and unit

ENROLLED ORIGINAL

owners who submit votes during such period shall be deemed to be present and voting in person at such meeting.

“(2)(A) Meetings of the unit owners’ association, board of directors, or committees may be conducted or attended by telephone conference, video conference, or similar electronic means. If a meeting is conducted by telephone conference, video conference, or similar electronic means, the equipment or system used must permit any unit owner in attendance to hear and be heard by, and to communicate what is said by, all other unit owners participating in the meeting. Any unit owner, board member, or committee member attending such meeting shall be deemed present for quorum purposes.

“(B) A link or instructions on how to access an electronic meeting shall be included in the notice required under subsection (a) of this section.

“(C) Any matters requiring a vote of the unit owners’ association at an annual or regular meeting may be set by the executive board for a vote, and a ballot may be delivered with the notice required under subsection (a) of this section. The executive board may set a reasonable deadline for a ballot to be returned to the association.”

Sec. 4. Section 507(d) of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

Sec. 5. Applicability.

This act shall apply as of October 9, 2020.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

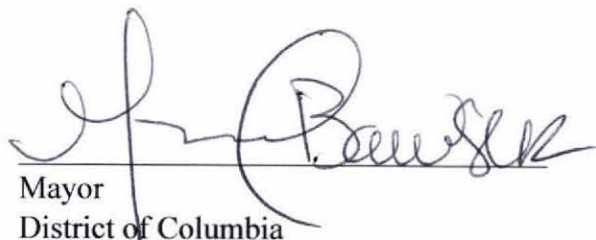
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-502

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend, on a temporary basis, the District of Columbia Unemployment Compensation Act to qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program.

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

Sec. 2. Section 7(g)(1) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(g)(1)), is amended as follows:

(a) Subparagraph (K) is amended as follows:

(1) Sub-subparagraph (i) is amended by striking the phrase “March 15, 2009” and inserting the phrase “March 18, 2020” in its place.

(2) Sub-subparagraph (ii) is amended to read as follows:

“(ii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under section 4105 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195) (“Families First Act”), or any subsequent amendment to the Families First Act or other federal law.”.

(b) Subparagraph (L) is amended as follows:

(1) Sub-subparagraph (i) is amended by striking the phrase “March 15, 2009” and inserting the phrase “March 18, 2020” in its place.

(2) Sub-subparagraph (iii) is amended to read as follows:

“(iii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under section 4105 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195) (“Families First Act”), or any subsequent amendment to the Families First Act, or other federal law.”.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-503

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To establish an Office of Racial Equity to coordinate the District’s efforts to achieve racial equity and to require the Office to establish a Racial Equity Advisory Board to advise it and to serve as a liaison to the public; to establish a Commission on Racial Equity, Social Justice, and Economic Inclusion to advise the Council, to state the sense of the Council that it should include in its rules for Council Period 24 the establishment of a Racial Equity Program; to amend the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights, in coordination with the Department of Human Resources and the Office of Racial Equity, to provide racial equity training for District employees and District boards and commissions; and to amend Chapter 3 of Title 47 of the District of Columbia Official Code to require the Office of Racial Equity to coordinate with the Office of the City Administrator to design and implement racial equity tools to aid in eliminating racial disparities and to require the Mayor, beginning in Fiscal Year 2022, to include racial equity-related performance measures in the development of an agency’s annual performance plans and an evaluation of the use of racial equity tools in the annual performance accountability reports.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Racial Equity Achieves Results (REACH) Amendment Act of 2020”.

TITLE I. OFFICE OF RACIAL EQUITY; COMMISSON ON RACIAL EQUITY, SOCIAL JUSTICE, AND ECONOMIC INCLUSION.

Sec. 101. Definitions.

For the purposes of this title, the term “racial equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.

Sec. 102. Establishment of the Office of Racial Equity.

(a) There is established an Office of Racial Equity (“Office”) within the Office of the City Administrator. The purpose of the Office shall be to coordinate the District’s efforts toward achieving racial equity.

ENROLLED ORIGINAL

(b)(1) The Office shall be headed by a Chief Equity Officer, who shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(2) The Chief Equity Officer shall be a full-time position, for which annual compensation shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*).

(c) The Office shall:

(1) Develop, provide oversight of, and advance the District’s goal of achieving racial equity;

(2) Coordinate with the Office of Human Rights to produce racial equity training materials to be distributed to all agencies of the District government;

(3) Coordinate with Executive agencies in the development of annual metrics and a Racial Equity Action Plan or plans pursuant to subsection (d) of this section;

(4) Work with District agencies to promote inter-agency collaboration, problem-solving, and cooperation relating to achieving racial equity;

(5) Advise the Council, the Mayor, and District agencies about racial equity in the District, and recommend policies, programs, or regulations necessary to achieve racial equity;

(6) Develop and distribute information about racial equity, social justice, and economic inclusion;

(7) Promote educational activities that increase the understanding of racial equity; and

(8) Analyze the feasibility of expanding the Racial Equity Action Plan to include:

(A) The District’s contracting and procurement process;

(B) The District’s hiring and promotion process; and

(C) The development of effective systems to capture, coordinate, and

share racial equity data across agencies.

(d)(1) By October 1, 2022, and annually thereafter, the Chief Equity Officer shall submit a multi-year Racial Equity Action Plan (“Plan”) to the Mayor and the Council.

(2) The Plan shall be a formalized accountability plan, including specific timelines, to be used by each District agency to advance racial equity in the performance of its duties.

(3)(A) The Office shall hold a series of public engagement forums during formulation and updating of the Plan to obtain public and expert input on the contents of the Plan, including priorities for increasing racial equity in the District. The Office shall provide at least 15 days written notice in the District of Columbia Register of any such forum.

(B) Each public engagement forum shall be held at an accessible evening or weekend time and in an accessible location to maximize public participation.

ENROLLED ORIGINAL

(4) The Office shall take into consideration any comments submitted by the Racial Equity Advisory Board established pursuant to subsection (f) of this section.

(5) By October 1, 2022, and annually thereafter, the Office shall include in the Plan a report to the Mayor and Council on the Office’s efforts to coordinate actions, goals, and District-wide investments within the Executive branch to further racial equity and provide a summary of the programs and activities of the Office and an evaluation of the District’s efforts to achieve racial equity.

(e) The Office shall accept public comment on any aspect of its functions and on any policy or proposed policy of the District government relating to racial equity.

(f)(1) The Office shall establish a Racial Equity Advisory Board (“Board”) consisting of 9 community members to provide to the Office ongoing input on racial equity in the District and to serve as a liaison between the Office and the public. The Board shall meet not less frequently than quarterly and shall keep minutes of its meetings that shall be made publicly available, upon request.

(2) Members of the Board shall be District residents and appointed by the Mayor with the advice and consent of the Council pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code 1-523.01(f)), with due consideration given to individuals from established public, nonprofit, and volunteer community organizations, community leaders, academic institutions, and other individuals who have shown dedication to and knowledge of advancing racial equity or social justice.

(3) A member appointed pursuant to paragraph (2) of this subsection shall serve a term of 2 years. A member may be reappointed but shall not serve more than 3 consecutive terms.

(4) Individual members of the Board may be compensated for reasonable expenses incurred in the performance of their official duties.

Sec. 103. Establishment of the Commission on Racial Equity, Social Justice, and Economic Inclusion.

(a)(1) There is established a Council Commission on Racial Equity, Social Justice, and Economic Inclusion (“Commission”) to advise the Council of the District of Columbia on matters of racial equity, social justice, and economic inclusion.

(2) The Commission shall consist of 5 members all appointed by the Chairman of the Council and who may be residents of the District of Columbia.

(3) Members of the Commission shall have the following qualifications:

(A) Knowledge of core racial equity concepts, including power and privilege, implicit bias, and structural or institutional racism;

(B) Extensive experience working with communities of color; and

(C) Demonstrated experience bringing a racial equity lens to their work, with a focus on identifying and overcoming or mitigating barriers to racial equity.

ENROLLED ORIGINAL

(4) The Commission shall examine issues of racial equity in governance in the District in its deliberations, identify best practices in other jurisdictions, and may undertake such other endeavors related to racial equity as it determines necessary to advise the Council. The Commission may also work with the Council’s Racial Equity Office.

(5) The Council shall provide administrative support to the Commission and may provide other resources the Council determines are necessary.

(6) The Commission shall not engage in any lobbying of the Council.

(b) It is the sense of the Council that for Council Period 24, the Council should include in its rules the establishment of a Racial Equity Program to produce racial equity training materials, provide ongoing racial equity training for Council staff, and include a protocol for conducting Racial Equity Impact Assessments on legislation.

TITLE II. AMENDATORY PROVISIONS.

Sec. 201. The Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-308; D.C. Official Code § 2-1411.01 *et seq.*), is amended by adding a new section 206b to read as follows:

“Sec. 206b. Racial equity training.

“(a) The Office, in coordination with the Department of Human Resources and the Office of Racial Equity, shall provide, on an on-going basis, racial equity training for all District government employees and members of the District’s boards and commissions. The training shall include:

“(1) Racial equity workshops for District employees at the management level;

“(2) A training series for District employees that equips personnel to better identify and address issues of racial equity; and

“(3) Online and in-person racial equity and inclusion courses that focus on the meaning of diversity, the benefits of a diverse workforce, and barriers that prevent a racially inclusive workforce environment.

“(b) For the purposes of this section, the term “racial equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.”.

Sec. 202. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-308.01 is amended as follows:

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

(A) Paragraph (3A) is redesignated as paragraph (3B).

(B) Paragraph (3B) is redesignated as paragraph (3C).

(C) Paragraph (3C) is redesignated as paragraph (5A).

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

ENROLLED ORIGINAL

“(3A) “Racial Equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.”.

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

“(h)(1) By March 1, 2021, in coordination with the Office of the City Administrator, the Office of Racial Equity, established by section 3 of the Racial Equity Achieves Results (REACH) Amendment Act of 2020, passed on 2nd reading on November 10, 2020 (Enrolled version of Bill 23-38), shall design and implement racial equity tools to enable District agencies to incorporate racial equity into their operations, performance-based budgets, programs, policies, rules, and regulations, and to ensure alignment between departmental and District-wide programs and initiatives.

“(2) At a minimum, the Mayor shall use the racial equity tools to:

“(A) Identify clear strategic initiatives, objectives, and measurable outcomes;

“(B) Develop metrics to measure progress in redressing disparate social and economic outcomes in the District based on race, sex, and ethnicity;

“(C) Track and measure how programmatic and policy decisions benefit or burden individuals based on race, sex, or ethnicity;

“(D) Examine potential unintended consequences of a policy or programmatic decision and develop a strategy to advance racial equity and mitigate unintended negative consequences; and

“(E) Evaluate the efficacy of District agencies’ strategic initiatives and programs aimed at reducing disparate outcomes.

“(3) Beginning in 2021 for Fiscal Year 2022, and every year thereafter, the Mayor’s budget submission package to the Council shall include a summary of how the proposed budget advances racial equity in the District, reduces disparate outcomes, and allocates resources to support equitable outcomes.”.

(b) Section 47-308.02 is amended by adding a new subsection (g) to read as follows:

“(g) Beginning no later than Fiscal Year 2022, and for each subsequent fiscal year, the Mayor shall establish at least one relevant performance measure related to an agency’s progress toward achieving racial equity.”.

(c) Section 47-308.03(c)(1) is amended by striking the phrase “agency’s performance on its activities for” and inserting the phrase “agency’s performance on its activities, including those relating to achieving racial equity, for” in its place.

TITLE III. GENERAL PROVISIONS.

Sec.301. Fiscal impact statement.

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

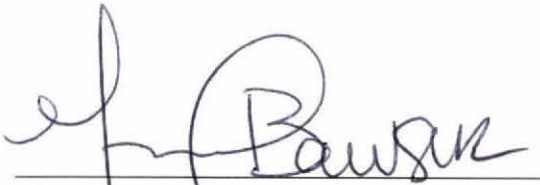
ENROLLED ORIGINAL

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-504

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend the Vital Records Modernization Amendment Act of 2018 to require the Department of Health to establish a commemorative certificate of stillbirth to be made available at the request of the parent named on a fetal death report registered with the Department of Health, to require the certificate to include appropriate information as determined by the Department, to require a person required to report a fetal death to inform the parent of the availability of a certificate of stillbirth, to prohibit a certificate of stillbirth from being used to constitute a live birth or calculate live birth statistics, to prohibit the creation of liability based on the issuance of a certificate of stillbirth, to limit disclosure and access of the information contained on a certificate of stillbirth, and to allow the Department of Health to charge a fee for a certificate of stillbirth.

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

Sec. 2. Title I of the Vital Records Modernization Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-164; D.C. Official Code § 7-231.01 *et seq.*), is amended as follows:

(a) A new section 115a to read as follows:

“Sec. 115a. Certificate of stillbirth.

“(a)(1) Within 180 days of the effective date of the Certificate of Stillbirth Amendment Act of 2020, passed on 2nd reading on November 10, 2020 (Enrolled version of Bill 23-529), the Department shall establish a certificate of stillbirth.

“(2) The certificate shall include such appropriate information as determined by the Department and be on a form established by the Department that is similar, as applicable, to a certificate issued for a record of live birth pursuant to section 108; provided, that the inclusion of a name given to a stillborn fetus by a parent shall be included only at the election of the parent.

ENROLLED ORIGINAL

“(b)(1) A parent named on a fetal death report registered with the Department pursuant to section 114 may request a certificate of stillbirth for the fetus that is the subject of the report. A certificate of stillbirth may be requested and issued regardless of the date on which the fetal death was reported or registered. Commemorative stillbirth certificates will not be available for events that do not meet the statutory definition for fetal death.

“(2) Following the receipt of the report and registration as a fetal death, and upon the request of a parent named on the report, the Registrar shall issue a certificate of stillbirth within 30 days.

“(3) A person required to report a fetal death pursuant to section 114 shall inform the parents in writing of the availability of a certificate of stillbirth.

“(c)(1) A certificate of stillbirth issued pursuant to this section shall be a commemorative certificate and in addition to, and not in lieu of, the report or registration of the fetal death required pursuant to section 114, as the certificate of stillbirth is meant to serve as an heirloom for the family, while a fetal death certificate is required for official business purposes, including, but not limited to, disposition of remains.

“(2) A certificate of stillbirth shall not constitute proof of a live birth and shall not be used to calculate live birth statistics.

“(d) This section shall not be used to establish, bring, or support a civil cause of action seeking damages against a person or entity for bodily injury, personal injury, or wrongful death for a stillbirth.

“(e) Notwithstanding any other provision of law, the parents who are issued a certificate of stillbirth may elect to have the disclosure of, and access to, the information included on the certificate of stillbirth limited to themselves, their lawful representatives, authorized personnel of the department, and the Registrar.

“(f) For the purpose of this section, the term:

“(1) “Fetal death” means when, after the expulsion or extraction, a fetus does not breathe or show any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. The term “fetal death” does not include an induced termination of pregnancy.

“(2) “Stillbirth” means the delivery of a fetus where there was death before the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy.”.

(b) Section 127(a) (D.C. Official Code § 7-231.27(a)) is amended as follows:

(1) Paragraph (10) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

“(10A) Issuing a certificate of stillbirth; and”.


Sec. 3. Fiscal impact statement.


ENROLLED ORIGINAL

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-505

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To symbolically designate the 600 block of W Street, N.W., as Dr. Montague Cobb Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Dr. Montague Cobb Way Designation Act of 2020”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 600 block of W Street, N.W., as “Dr. Montague Cobb Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend section 47-2885.14 of the District of Columbia Official Code to require prescription opioid medications to include a statement that the drug is an opioid and that with opioids there is a risk of overdose and addiction.

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

Sec. 2. Section 47-2885.14 of the District of Columbia Official Code is amended as follows:

- (a) Designate the existing text as subsection (a).
- (b) A new subsection (b) is added to read as follows:

“(b) If the drug contains, or is derived from opium, a label shall be affixed to the container in which such opioid medication is sold or dispensed stating that the drug is an opioid and that with opioids there is a risk of overdose and addiction.”.

Sec. 3. Fiscal impact statement.


The council adopts the fiscal impact statement in the committee report as the fiscal impact a statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16,2006 (120 Stat. 2038; D.C. official Code Section 1-201.47.

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-507

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To order the closing of a portion of the public alley system in Square 2892, bounded by Lamont Street, N.W., Georgia Avenue, N.W., Kenyon Street, N.W., and Sherman Avenue, N.W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the “Closing of a Public Alley in Square 2892, S.O. 19-47478, Act of 2020”.

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 2892, as shown on the Surveyor’s plat filed in S.O. 19-47478, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-508

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To symbolically designate the 300 block of 14th Place, N.E., as Gail Cobb Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Gail Cobb Way Designation Act of 2020”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 300 block of 14th Place, N.E., as “Gail Cobb Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

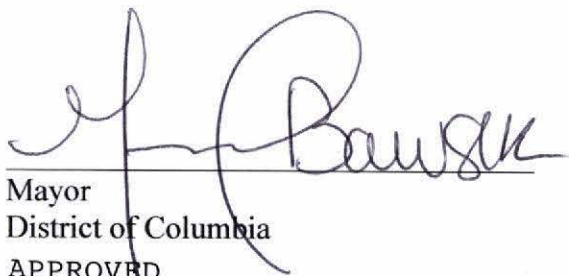
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-509

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To symbolically designate Wiltberger Street, N.W., between S Street, N.W., and T Street, N.W., as Cecelia’s Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cecelia’s Way Designation Act of 2020”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates Wiltberger Street, N.W., between S Street, N.W., and T Street, N.W., as “Cecelia’s Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

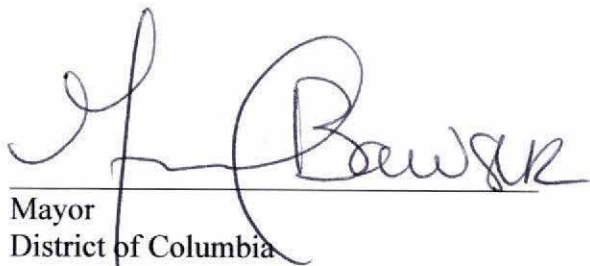
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-510

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend section 25-723 of the District of Columbia Official Code to provide the Alcoholic Beverage Control Board with the authority to extend the hours of operation, sale, service, and consumption of alcoholic beverages for on-premises retailers or manufacturers holding an on-site sales and consumption permit that are registered in the extended hours program, and for temporary license holders, during home and away postseason games of any District professional sports team.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Champions Extension of Hours Amendment Act of 2020".

Sec. 2. Section 25-723 of the District of Columbia Official Code is amended by adding a new subsection (c-1) to read as follows:

"(c-1)(1) Except as provided in § 25-724, the Board may extend the hours of operation, sales, service, and consumption of alcoholic beverages during postseason games in which a District professional sports team is a participant for licensees registered with the Board to participate in the extension of hours program under subsection (c) of this section.

"(2) If the Board extends the hours of operation, sales, service, and consumption of alcoholic beverages during a postseason game pursuant to paragraph (1) of this subsection, a licensee registered with the Board in the extension of hours program under subsection (c) of this may sell, serve, and allow the consumption of alcoholic beverages until 4 a.m. and operate 24 hours a day for the postseason game day.

"(3) The Board shall provide written notification to the Metropolitan Police Department at least 48 hours before extended hours of operation, sales, service, and consumption under this subsection will take effect. The written notification shall include the list of establishments eligible to participate in the extended hours under this subsection.

"(4) To the extent feasible, the Board shall provide notice of its decision to extend the hours of operation, sales, service, and consumption pursuant to this subsection in the District of Columbia Register. The Board shall also post notice of its decision on ABRA's website within 24 hours after its decision.

"(5) For the purposes of this subsection, the term:

ENROLLED ORIGINAL

“(A) “District professional sports team” means a professional baseball, basketball, football, hockey, soccer, or tennis team that plays its home games or matches in the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Division as defined by the Office of Management and Budget as of January 1, 2020.

“(B) “Postseason game” means a professional baseball, basketball, football, hockey, soccer, or tennis playoff or championship game.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-511

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend the Department of Education Establishment Act of 2007 to require the Common Lottery Board to adopt policies and procedures for annually listing on the My School DC website the lottery preferences a school uses and, for the previous school year, the number of students admitted to each school under each preference; and to amend the District of Columbia School Reform Act of 1995 to add an admissions preference for the child of a student already attending or selected for admission to a public charter school in which the child is seeking enrollment and to add an admissions preference for students classified as at-risk provided that a public charter school receives approval from the Public Charter School Board to implement this preference.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Expanding Equitable Access to Schools Amendment Act of 2020”.

Sec. 2. Section 205(a)(1)(A) of the Department of Education Establishment Act of 2007, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-194(a)(1)(A)), is amended to read as follows:

“(A) Adopt policies and procedures to govern the common lottery system, to be implemented by the Office of the State Superintendent of Education, including a requirement to list on the My School DC website, on an annual basis, for each school utilizing the common lottery system for admission:

“(i) All lottery preferences granted by the school, in the order that the preferences are applied; and

“(ii) For the previous year, the number of students admitted to the school pursuant to each lottery preference the school granted in that year, but not the preference, if any, for at-risk students;”.

Sec. 3. Section 2206 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-123; D.C. Official Code § 38-1802.06), is amended as follows:

ENROLLED ORIGINAL

(a) Subsection (c)(1) is amended by striking the phrase “Sibling of” and inserting the phrase “Sibling or child of” in its place.

(b) A new subsection (c-3) is added to read as follows:

“(c-3) AUTHORIZATION OF A PREFERENCE FOR AT-RISK STUDENTS.—

“(1) Beginning with School Year 2022-2023, a public charter school may give a preference for admission to students who are at-risk, with prior approval from the PCSB.

“(2) A preference approved under this subsection shall remain in force for 5 school years and may be renewed an unlimited number of times, each time for a 5-year period, with prior approval from the PCSB.

“(3) Notwithstanding paragraph (2) of this subsection, after an admissions preference for students who are at-risk has been in place at a public charter school for at least 2 school years, the public charter school may seek approval from the PCSB to discontinue the preference.

“(4) Upon approving or denying the establishment, renewal, or discontinuation of an admissions preference for students who are at-risk, the PCSB shall make publicly available a written document that specifies the rationale for its decision.

“(5) For the purposes of this subsection, the term “at-risk” shall have the same meaning as provided in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)).”.

Sec. 4. Applicability.

(a) Section 2 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this this section.”.

Sec. 5. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-512

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend the Nurse Staffing Agency Act of 2003 to clarify that nurse staffing agencies are only authorized to provide personnel to a health care facility or agency, not to an individual.

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

Sec. 2. The Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-1051.01 *et seq.*), is amended as follows:

- (a) Section 2(7) (D.C. Official Code § 44-1051.02(7)) is amended as follows:
 - (1) The lead-in text is amended by striking the phrase “, or to an individual.”.
 - (2) Subparagraph (C) is amended by striking the phrase “, or to an individual.”.
- (b) Section 3 (D.C. Official Code § 44-1051.03) is amended by striking the phrase “, or to an individual.”.
- (c) Section 6(b) (D.C. Official Code § 44-1051.06(b)) is amended by striking the phrase “, and individuals”.
- (d) Section 11(a) (D.C. Official Code § 44-1051.11(a)) is amended by striking the phrase “, or to an individual.”.
- (e) Section 12 (D.C. Official Code § 44-1051.12) is amended by striking the phrase “, or to an individual.”.
- (f) Section 13 (D.C. Official Code § 44-1051.13) is amended by striking the phrase “, or to an individual.”.
- (g) Section 15 (D.C. Official Code § 44-1051.15) is amended as follows:
 - (1) Paragraph (9) is amended by striking the phrase “, or to an individual”.
 - (2) Paragraph (10) is amended by striking the phrase “, or to an individual”.
- (h) Section 16(b)(1) (D.C. Official Code § 44-1051.16(b)(1)) is amended by striking the phrase “, or to individuals”.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-30147a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-513

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To symbolically designate the 3800 block of 10th Street, N.W., between Quincy Street, N.W., and Randolph Street, N.W., as Earl Wright, Jr. Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Earl Wright, Jr. Way Designation Act of 2020”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 3800 block of 10th Street, N.W., between Quincy Street, N.W., and Randolph Street, N.W., as “Earl Wright, Jr. Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

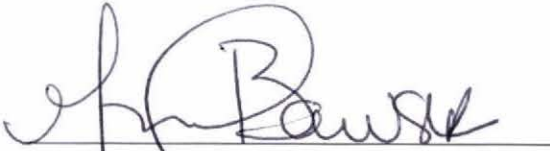
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-514

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To approve, on an emergency basis, Contract No. DCAM-15-AE-0158 and Change Order Nos. 1, 3, and 5, between the Department of General Services and Cox Graae + Spack Architects, P.C., and to authorize payment for the architectural and engineering services received and to be received under the contract and change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-15-AE-0158 and Change Order Nos. 1, 3, and 5 with Cox Graae + Spack Architects, P.C. Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-15-AE-0158, including Change Order Nos. 1, 3, and 5 ("Contract") between the Department of General Services and Cox Graae + Spack Architects, P.C. for architectural and engineering services for the Hearst Park and Pool Renovation in the amount of \$1,144,802 and authorizes payment for services received and to be received under the Contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 6, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-515

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend, on an emergency basis, due to congressional review, the Tenant Opportunity to Purchase Act of 1980 (“TOPA”) to clarify that under certain limited circumstances, low-income housing tax credit redevelopment projects do not fall under the requirements of TOPA, and to require that a notice of transfer include certain material facts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Congressional Review Emergency Amendment Act of 2020”.

Sec. 2. Section 402 of the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02), is amended as follows:

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

(1) Subparagraph (M) is amended by striking the word “and”.

(2) Subparagraph (N) is amended by striking the period and inserting a semicolon in its place.

(3) New subparagraphs (O), (P), and (Q) are added to read as follows:

“(O) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, if each of the following conditions is satisfied:

“(i) The credit period, as defined in section 42 of the United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42) (“IRC”), for the housing accommodation has ended;

“(ii) Immediately prior to the transfer the housing accommodation is subject to:

“(I) An extended low-income housing commitment, as that term is defined in Section 42(h)(6)(B) of the IRC(100 Stat. 2189; 26 U.S.C. § 42(h)(6)(B)); or

“(II) A comparable restrictive covenant as a result of a federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC;

“(iii) Before and after the transfer, the owner of the housing accommodation is controlled, directly or indirectly, by the same person or entity; and

ENROLLED ORIGINAL

“(iv) Immediately following the transfer, the housing accommodation is for a term of not less than 10 years and subject to an existing or a new extended low-income housing commitment or a comparable restrictive covenant as a result of a federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC.

“(P) The transfer of interests in a partnership or limited liability company that owns an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to allow for the exit of one or more limited partners or investor members who have made capital contributions and received tax benefits pursuant to section 42 of the IRC or a comparable federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC.

“(Q) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, the sole purpose of which is to qualify for and enter into a new credit period, as defined in section 42 of the IRC, for purposes of the rehabilitation of the housing accommodation; provided that, before and after the transfer, the owner of the housing accommodation shall be controlled, directly or indirectly, by the same person or entity.”.

(b) Subsection (d)(3)(A) is amended to read as follows:

“(d)(3)(A) The Notice of Transfer shall be substantially in the form prescribed by the Mayor and shall provide at a minimum:

“(i) A statement of the rights of the tenant or the tenant organization under this act;

“(ii) An accurate description of the transfer containing all material facts, including whether the transfer will result in any changes in management, current rents, or any applicable affordability requirements for the housing accommodation;

“(iii) The date of the proposed transfer; and

“(iv) The reason, if any, why the owner asserts the transfer may not constitute a sale.”.

Sec. 4. Applicability.

This act shall apply as of November 16, 2020.

Sec. 5. Fiscal impact statement.

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

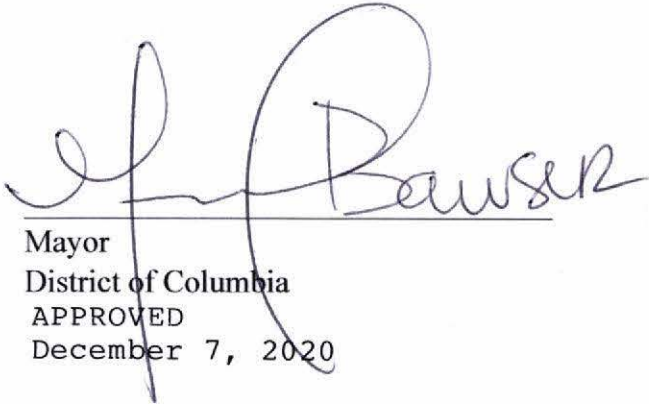
ENROLLED ORIGINAL

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-516

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To symbolically designate, on an emergency basis, the 300 block of 14th Place, N.E., in Ward 6, as Gail Cobb Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Gail Cobb Way Designation Emergency Act of 2020”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 300 block of 14th Place, N.E., in Ward 6, as “Gail Cobb Way”.

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Mayor and the District Department of Transportation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

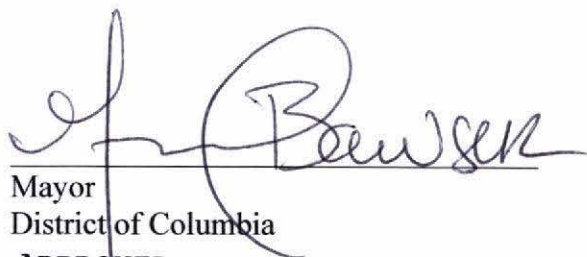
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-517

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend, on an emergency basis, Chapter 18 of Title 47 of the District of Columbia Official Code to clarify that the capital gains deduction shall apply to an individual, estate, or trust in the same manner as in § 47-1803.03(a)(20).

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

Sec. 2. Section 47-1803.03 of the District of Columbia Official Code is amended by adding a new subsection (b-5) as follows:

“(b-5) Capital Gains from a Qualified Opportunity Fund. -- Beginning October 1, 2020, capital gains deduction for investing in a qualified opportunity fund shall apply to an individual, estate, or trust in the same manner as set forth in subsection (a)(20) of this section.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4 Effective date.

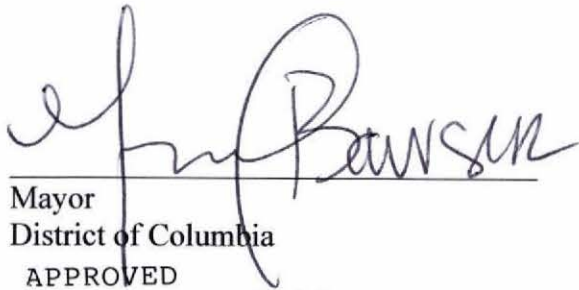
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-518

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To approve, on an emergency basis, the exercise of option year one of Contract No. SO-15-030-0001049 with Aramark Sports and Entertainment Services, LLC to provide janitorial and related services at the Walter E. Washington Convention Center and Carnegie Library, and to authorize payment in the not-to-exceed amount of \$4,415,654 for the goods and services received and to be received during option year one.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification to Contract No. SO-15-030-0001049 Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Council approves the exercise of option year one of Contract No. SO-15-030-0001049 with Aramark Sports and Entertainment Services, LLC ("Aramark") for the provision of janitorial and related services at the Walter E. Washington Convention Center and Carnegie Library, including enhanced cleaning requirements to combat the spread of COVID-19, and authorizes payment in the not-to-exceed amount of \$4,415,654 for the goods and services received and to be received during option year one.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

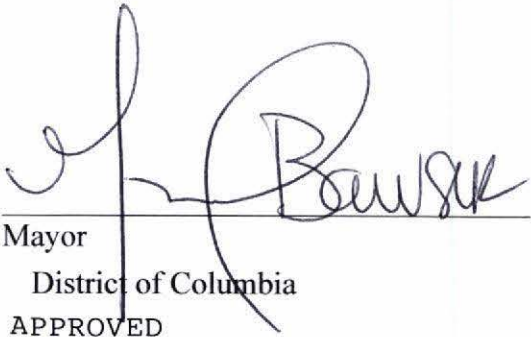
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-519

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend, on an emergency basis, the District of Columbia School Reform Act of 1995 to add an admissions preference for the child of a student already attending or selected for admission to a public charter school in which the child is seeking enrollment.

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

Sec. 2. Section 2206(c)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-123; D.C. Official Code § 38-1802.06(c)(1)), is amended by striking the phrase “Sibling of” and inserting the phrase “Sibling or child of” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

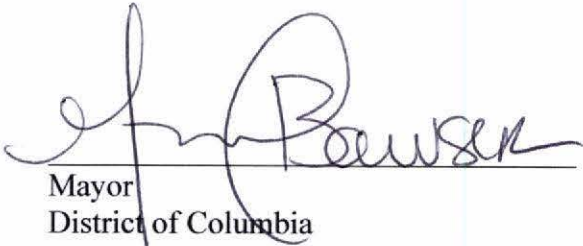
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-520

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend, on an emergency basis, the Public Space Maintenance Emergency Act of 2020 and the Public Space Maintenance Temporary Act of 2020 to clarify the authority of the Mayor to enter into an agreement with a Business Improvement District corporation for the maintenance and improvement of a District-owned asset or public space during a public health emergency and for 30 days thereafter; and to amend the Commission on the Arts and Humanities Act to clarify the definition of District funds for purposes of determining the eligibility of a nonprofit corporation to be a member of the National Capital Arts Cohort.

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

Sec. 2. Section 2 of the Public Space Maintenance Emergency Act of 2020, effective November 2, 2020 (D.C. Act 23-475; 67 DCR ____), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “improve public space, including sidewalks, streets, parks, plazas, signage, and public art, within the boundaries of the BID” and inserting the phrase “improve a District-owned asset or public space, including sidewalks, streets, parks, plazas, signage, and public art, within or partially within the boundaries of the BID” in its place.

(b) Subsection (b) is amended by striking the phrase “improving public space” and inserting the phrase “improving a District-owned asset or public space” in its place.

(c) Subsection (c) is amended by striking the phrase “in public space” both times it appears and inserting the phrase “on a District-owned asset or in public space” in its place.

Sec. 3. Section 2 of the Public Space Maintenance Temporary Act of 2020, enacted on November 2, 2020 (D.C. Act 23-464; 67 DCR ____), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “improve public space, including sidewalks, streets, parks, plazas, signage, and public art, within the boundaries of the BID” and

ENROLLED ORIGINAL

inserting the phrase “improve a District-owned asset or public space, including sidewalks, streets, parks, plazas, signage, and public art, within or partially within the boundaries of the BID” in its place.

(b) Subsection (b) is amended by striking the phrase “improving public space” and inserting the phrase “improving a District-owned asset or public space” in its place.

(c) Subsection (c) is amended by striking the phrase “in public space” both times it appears and inserting the phrase “on a District-owned asset or public space” in its place.

Sec. 4. Section 3(9)(A)(i) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-202(9)(A)(i)), is amended by striking the phrase “exclusive of District funds” and inserting the phrase “exclusive of District funds other than sponsorships provided by Events DC” in its place.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To establish, on an emergency basis, an Office of Racial Equity to coordinate the District’s efforts to achieve racial equity and to require the Office to establish a Racial Equity Advisory Board to advise it and to serve as a liaison to the public, to establish a Commission on Racial Equity, Social Justice, and Economic Inclusion to advise the Council, to state the sense of the Council that it should include in its rules for Council Period 24 the establishment of a Racial Equity Program; to amend the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights, in coordination with the Department of Human Resources and the Office of Racial Equity, to provide racial equity training for District employees and District boards and commissions; and to amend Chapter 3 of Title 47 of the District of Columbia Official Code to require the Office of Racial Equity to coordinate with the Office of the City Administrator to design and implement racial equity tools to aid in eliminating racial disparities and to require the Mayor, beginning in Fiscal Year 2022, to include racial equity-related performance measures in the development of an agency’s annual performance plans and an evaluation of the use of racial equity tools in the annual performance accountability reports.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Racial Equity Achieves Results (REACH) Emergency Amendment Act of 2020”.

TITLE I. OFFICE OF RACIAL EQUITY; COMMISSION ON RACIAL EQUITY, SOCIAL JUSTICE, AND ECONOMIC INCLUSION.

Sec. 101. Definitions.

For the purposes of this title, the term “racial equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes or the distribution of resources for residents of the District, particularly for persons of color and Black residents.

ENROLLED ORIGINAL

Sec. 102. Establishment of the Office of Racial Equity.

(a) There is established an Office of Racial Equity ("Office") within the Office of the City Administrator. The purpose of the Office shall be to coordinate the District's efforts toward achieving racial equity.

(b)(1) The Office shall be headed by a Chief Equity Officer, who shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(2) The Chief Equity Officer shall be a fulltime position, for which annual compensation shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1- 610.51 *et seq.*).

(c) The Office shall:

(1) Develop, provide oversight of, and advance the District's goal of achieving racial equity;

(2) Coordinate with the Office of Human Rights to produce racial equity training materials to be distributed to all agencies of the District government;

(3) Coordinate with Executive agencies in the development of annual metrics and a Racial Equity Action Plan or plans pursuant to subsection (d) of this section;

(4) Work with District agencies to promote inter-agency collaboration, problem-solving, and cooperation relating to achieving racial equity;

(5) Advise the Council, the Mayor, and District agencies about racial equity in the District, and recommend policies, programs, or regulations necessary to achieve racial equity;

(6) Develop and distribute information about racial equity, social justice, and economic inclusion;

(7) Promote educational activities that increase the understanding of racial equity;
and

(8) Analyze the feasibility of expanding the Racial Equity Action Plan to include:
(A) The District's contracting and procurement process;
(B) The District's hiring and promotion process; and
(C) The development of effective systems to capture, coordinate, and share racial equity data across agencies.

(d)(1) By October 1, 2022, and annually thereafter, the Chief Equity Officer shall submit a multi-year Racial Equity Action Plan ("Plan") to the Mayor and the Council.

(2) The Plan shall be a formalized accountability plan, including specific timelines, to be used by each District agency to advance racial equity in the performance of its duties.

(3)(A) The Office shall hold a series of public engagement forums during formulation and updating of the Plan to obtain public and expert input on the contents of the

ENROLLED ORIGINAL

Plan, including priorities for increasing racial equity in the District. The Office shall provide at least 15 days written notice in the District of Columbia Register of any such forum.

(B) Each public engagement forum shall be held at an accessible evening or weekend time and in an accessible location to maximize public participation.

(4) The Office shall take into consideration any comments submitted by the Racial Equity Advisory Board established pursuant to subsection (f) of this section.

(5) By October 1, 2022, and annually thereafter, the Office shall include in the Plan a report to the Mayor and Council on the Office's efforts to coordinate actions, goals, and District-wide investments within the Executive branch to further racial equity and provide a summary of the programs and activities of the Office and an evaluation of the District's efforts to achieve racial equity.

(e) The Office shall accept public comment on any aspect of its functions and on any policy or proposed policy of the District government relating to racial equity.

(f)(1) The Office shall establish a Racial Equity Advisory Board ("Board") consisting of 9 community members to provide to the Office ongoing input on racial equity in the District and to serve as a liaison between the Office and the public. The Board shall meet not less frequently than quarterly and shall keep minutes of its meetings that shall be made publicly available, upon request.

(2) Members of the Board shall be District residents and appointed by the Mayor with the advice and consent of the Council pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code 1-523.01(f)), with due consideration given to individuals from established public, nonprofit, and volunteer community organizations, community leaders, academic institutions, and other individuals who have shown dedication to and knowledge of advancing racial equity or social justice.

(3) A member appointed pursuant to paragraph (2) of this subsection shall serve a term of 2 years. A member may be reappointed but shall not serve more than 3 consecutive terms.

(4) Individual members of the Board may be compensated for reasonable expenses incurred in the performance of their official duties.

Sec. 103. Establishment of the Commission on Racial Equity, Social Justice, and Economic Inclusion.

(a)(1) There is established a Council Commission on Racial Equity, Social Justice, and Economic Inclusion ("Commission") to advise the Council of the District of Columbia on matters of racial equity, social justice, and economic inclusion.

(2) The Commission shall consist of 5 members all appointed by the Chairman of the Council and who may be residents of the District of Columbia.

(3) Members of the Commission shall have the following qualifications:

ENROLLED ORIGINAL

(A) Knowledge of core racial equity concepts, including power and privilege, implicit bias, and structural or institutional racism;

(B) Extensive experience working with communities of color; and

(C) Demonstrated experience bringing a racial equity lens to their work, with a focus on identifying and overcoming or mitigating barriers to racial equity.

(4) The Commission shall examine issues of racial equity in governance in the District in its deliberations, identify best practices in other jurisdictions, and may undertake such other endeavors related to racial equity as it determines necessary to advise the Council. The Commission may also work with the Council’s Racial Equity Office.

(5) The Council shall provide administrative support to the Commission and may provide other resources the Council determines are necessary.

(6) The Commission shall not engage in any lobbying of the Council.

(b) It is the sense of the Council that for Council Period 24, the Council should include in its rules the establishment of a Racial Equity Program to produce racial equity training materials, provide ongoing racial equity training for Council staff, and include a protocol for conducting Racial Equity Impact Assessments on legislation.

TITLE II. AMENDATORY PROVISIONS.

Sec. 201. The Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-308; D.C. Official Code § 2-1411.01 *et seq.*), is amended by adding a new section 206b to read as follows:

“Sec. 206b. Racial equity training.

“(a) The Office, in coordination with the Department of Human Resources and the Office of Racial Equity, shall provide, on an on-going basis, racial equity training for all District government employees and members of the District’s boards and commissions. The training shall include:

“(1) Racial equity workshops for District employees at the management level;

“(2) A training series for District employees that equips personnel to better identify and address issues of racial equity; and

“(3) Online and in-person racial equity and inclusion courses that focus on the meaning of diversity, the benefits of a diverse workforce, and barriers that prevent a racially inclusive workforce environment.

“(b) For the purposes of this section, the term “racial equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.”.

Sec. 202. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-308.01 is amended as follows:

ENROLLED ORIGINAL

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

- (A) Paragraph (3A) is redesignated as paragraph (3B).
- (B) Paragraph (3B) is redesignated as paragraph (3C).
- (C) Paragraph (3C) is redesignated as paragraph (5A).
- (D) A new paragraph (3A) is added to read as follows:

“(3A) “Racial Equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.”.

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

“(h)(1) By March 1, 2021, in coordination with the Office of the City Administrator, the Office of Racial Equity, established by section 3 of the Racial Equity Achieves Results (REACH) Emergency Amendment Act of 2020, passed on emergency basis on November 10, 2020 (Enrolled version of Bill 23-1000), shall design and implement racial equity tools to enable District agencies to incorporate racial equity into their operations, performance-based budgets, programs, policies, rules, and regulations, and to ensure alignment between departmental and District-wide programs and initiatives.

“(2) At a minimum, the Mayor shall use the racial equity tools to:

“(A) Identify clear strategic initiatives, objectives, and measurable outcomes;

“(B) Develop metrics to measure progress in redressing disparate social and economic outcomes in the District based on race, sex, and ethnicity;

“(C) Track and measure how programmatic and policy decisions benefit or burden individuals based on race, sex, or ethnicity;

“(D) Examine potential unintended consequences of a policy or programmatic decision and develop a strategy to advance racial equity and mitigate unintended negative consequences; and

“(E) Evaluate the efficacy of District agencies’ strategic initiatives and programs aimed at reducing disparate outcomes.

“(3) Beginning in 2021 for Fiscal Year 2022, and every year thereafter, the Mayor’s budget submission package to the Council shall include a summary of how the proposed budget advances racial equity in the District, reduces disparate outcomes, and allocates resources to support equitable outcomes.”.

(b) Section 47-308.02 is amended by adding a new subsection (g) to read as follows:

“(g) Beginning no later than Fiscal Year 2022, and for each subsequent fiscal year, the Mayor shall establish at least one relevant performance measure related to an agency’s progress toward achieving racial equity.”.

(c) Section 47-308.03(c)(1) is amended by striking the phrase “agency’s performance on its activities for” and inserting the phrase “agency’s performance on its activities, including those relating to achieving racial equity, for” in its place.

ENROLLED ORIGINAL


TITLE III. GENERAL PROVISIONS.

Sec. 301. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report for the Racial Equity Achieves Results (REACH) Amendment Act of 2020, passed on 2nd reading on November 10, 2020 (Enrolled version of Bill 23-38), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-522

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 2020

To amend, on an emergency basis, the Fiscal Year 2021 Budget Support Act of 2020, the Fiscal Year 2021 Budget Support Congressional Review Emergency Amendment Act of 2020, the Fiscal Year 2021 Budget Support Clarification Emergency Amendment Act of 2020, and the Fiscal Year 2021 Budget Support Clarification Temporary Amendment Act of 2020 to clarify returning citizens' eligibility to apply for financial assistance for District residents impacted by the public health emergency.

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

Sec. 2. Amendatory section 203a of the Washington Convention Center Authority Act of 1994, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), in section 7212 of the Fiscal Year 2021 Budget Support Act of 2020, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), is amended to read as follows:

“Sec. 203a. Assistance for excluded workers.

“(a) During the public health emergency declared in the Mayor’s order dated March 11, 2020, and any extensions thereof, the Washington Convention and Sports Authority (“Events DC”) shall issue, subject to the availability of funds, grants or contracts to nonprofit entities to use to provide cash assistance to District residents who are otherwise excluded from District and federal aid related to COVID-19. To qualify for cash assistance from grants or contracts awarded pursuant to this section, a District resident shall, at the time of application for assistance under this section:

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

“(2)(A) Be ineligible for:

“(i) Unemployment insurance; or

“(ii) COVID-19 relief; or

ENROLLED ORIGINAL

“(B) Be a returning citizen, as that term is defined in section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended on March 11, 2020 or later; and

“(3) Provide a:

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

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

“(b) Any entity receiving a grant or contract pursuant to this section may use no more than 10% of the grant for administrative expenses incurred from administering the cash assistance program.

“(c) Cash assistance provided to eligible individuals pursuant to this section shall not be considered in determining eligibility for any means-tested programs administered by the District.

“(d) For the purposes of this section, the term:

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

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

Sec. 3. The Fiscal Year 2021 Budget Support Congressional Review Emergency Act of 2020, effective October 26, 2020 (D.C. Act 23-426; 67 DCR 12848), is amended as follows:

(a) Section 2192(d) is repealed.

(b) Amendatory section 203a(a)(2)(B) of the Washington Convention Center Authority Act of 1994, effective October 26, 2020 (D.C. Act 23-426; 67 DCR 12848), in section 7212 is amended by striking the phrase “not more than 6 months before the time of application for assistance under this section” and inserting the phrase “on March 11, 2020, or later” in its place.

Sec. 4. Section 2(a)(3) and (b) of the Fiscal Year 2021 Budget Support Clarification Emergency Amendment Act of 2020, effective October 14, 2020 (D.C. Act 23-416; 67 DCR 12245), is repealed.

Sec. 5. Section 2(a)(3) and (b) of the Fiscal Year 2021 Budget Support Clarification Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-447; 67 DCR 13036), is repealed.

ENROLLED ORIGINAL

Sec. 6. Applicability.


This act shall apply as of October 1, 2020.

Sec. 7. Fiscal impact statement.

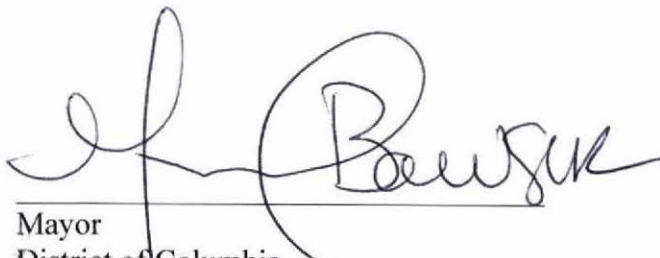
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 9, 2020

To require, on an emergency basis, the Metropolitan Police Department to provide a written report every 2 pay periods on its overtime pay spending to the Council, and to require those reports to include the amount spent year-to-date on overtime pay and describe the staffing plan and conditions justifying the overtime pay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Metropolitan Police Department Overtime Spending Accountability Emergency Act of 2020”.

Sec. 2. Metropolitan Police Department overtime pay reporting.

(a) The Metropolitan Police Department (“MPD”) shall provide a written report every 2 pay periods on MPD’s overtime pay spending to the Council.

(b) The report required by subsection (a) of this section shall include the amount spent year-to-date on overtime pay, and a description of the staffing plan and conditions justifying the overtime pay.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor

District of Columbia

December 7, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-599

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Fiscal Year 2021 Budget Support Act of 2020, the Washington Convention Center Authority Act of 1994, Title 47 of the District of Columbia Official Code, the District of Columbia Traffic Act, 1925, the Fiscal Year 2021 Budget Support Congressional Review Emergency Amendment Act of 2020, and the Fiscal Year 2021 Budget Support Clarification Temporary Amendment Act of 2020 to clarify provisions supporting the Fiscal Year 2021 budget; and to authorize the Chief Financial Officer to impose a fee or processing cost related to a payment made by credit card or other electronic payment method.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2021 Budget Support Clarification Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On September 22, 2020, the Council passed the Fiscal Year 2021 Budget Support Clarification Emergency Amendment Act of 2020, effective October 14, 2020 (D.C. Act 23-416; 67 DCR 12245) (“Emergency Act”). The Emergency Act expires December 29, 2020.

(b) On October 6, 2020, the Council passed the Fiscal Year 2021 Budget Support Clarification Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-447; 67 DCR 13036) (“Temporary Act”). The Temporary Act was transmitted to Congress on November 5, 2020, and congressional review is pending.

(c) The congressional review period for the Temporary Act will create a gap in authority between expiration of the Emergency Act and the effective date of the Temporary Act. This congressional review emergency act is necessary to avoid that gap.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2021 Budget Support Clarification Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend An Act To create a Department of Corrections in the District of Columbia to limit the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sanctuary Values Second Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On September 22, 2020, the Council passed the Sanctuary Values Emergency Amendment Act of 2020, effective October 14, 2020 (D.C. Act 23-414; 67 DCR 12241) ("emergency act"), which will expire on January 11, 2021. The emergency act limits the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

(b) On October 6, 2020, the Council passed the Sanctuary Values Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-446; 67 DCR 13034) ("temporary act"), which is currently pending congressional review.

(c) On November 23, 2020, the Committee on the Judiciary and Public Safety approved the permanent version of this legislation, the Sanctuary Values Amendment Act of 2020 (Bill 23-501), which will come before the full Council for first reading on December 1, 2020.

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

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sexual Assault Victims' Rights Clarification Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On September 22, 2020, the Council passed the Sexual Assault Victims' Rights Clarification Emergency Amendment Act of 2020, effective October 14, 2020 (D.C. Act 23-412; 67 DCR 12237) ("emergency act"). The emergency act expires on January 11, 2021.

(b) On October 6, 2020, the Council passed the Sexual Assault Victims' Rights Clarification Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-444; 67 DCR 13032) ("temporary act"), which is pending congressional review.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sexual Assault Victims' Rights Clarification Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To approve the multiyear extension of Contract No. CFOPD-11-C-024 with Wells Fargo, N.A. to continue to provide general banking services on behalf of the Office of the Chief Financial Officer for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CFOPD-11-C-024, Banking Services Approval Resolution of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the second 5-year option of Contract No. CFOPD-11-C-024 for general banking services on behalf of the Office of the Chief Financial Officer for the District of Columbia in the not-to-exceed amount of \$17.5 million.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To approve the multiyear extension of Contract No. CFOPD-11-C-023 with Citibank, N.A. to continue to provide general banking services on behalf of the Office of the Chief Financial Officer for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CFOPD-11-C-023, Banking Services Approval Resolution of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the second 5-year option of Contract No. CFOPD-11-C-023 for general banking services on behalf of the Office of the Chief Financial Officer for the District of Columbia in the not-to-exceed amount of \$3.45 million.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 4, 5, and 6 to Contract No. CW67648 with Summit Food Services, LLC to provide and manage an inmate food service program at the Central Detention Facility and Central Treatment Facility, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW67648 with Summit Food Services, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 4, 5, and 6 to Contract No. CW67648 with Summit Food Services, LLC to provide and manage an inmate food service program at the Central Detention Facility and Central Treatment Facility and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 4, dated September 15, 2020, the Office of Contracting and Procurement, on behalf of the Department of Corrections, exercised part of Option Year One of the contract for the period from September 15, 2020, through November 14, 2020, in the not-to-exceed amount of \$1 million.

(c) Modification No. 5 was an administrative modification with no cost.

(d) Modification No. 6 is now necessary to exercise the remainder of Option Year One of the contract for the period from November 14, 2020, through September 14, 2021, which will increase the total contract not-to-exceed amount for Option Year One by \$ 3,184,082 to \$4,184,082.

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

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Summit Food Services, LLC cannot be paid for goods and services provided in excess of \$1 million for the contract period from September 15, 2020, to September 14, 2021.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW67648 with Summit Food Services, LLC Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCCB-2020-F-0026 with Edelson PC to provide outside legal services to assist the Office of the Attorney General with its consumer protection litigation against Facebook, Inc., and to authorize payment for the goods and services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCCB-2020-F-0026 with Edelson PC, Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Contract No. DCCB-2020-F-0026 with Edelson PC to obtain outside legal services to assist the Office of the Attorney General with its consumer protection litigation against Facebook, Inc. There is also a need to authorize payment for the goods and services to be received under Contract No. DCCB-2020-F-0026.

(b) Council approval is necessary to allow the Office of the Attorney General to obtain the services of outside legal counsel to assist with litigation against Facebook, Inc. Contract No. DCCB-2020-F-0026 is a multiyear contract, which has a 5-year base period calculated from July 31, 2020. The contract is the definitized version of letter contract the parties executed on July 31, 2020, that had a maximum amount of less than \$1 million.

(c) Council approval is also necessary because the contract could require the payment of more than \$1 million during a 12-month period. The contract is a contingency fee contract with a cost reimbursement component, calculated as a percentage of any monetary award obtained by the Edelson PC on behalf of the District, payable only upon the District’s receipt of such an award.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCCB-2020-F-0026 with Edelson PC, Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-612

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency with respect to the need to amend the Freedom of Information Act of 1976 to adjust the tolling period for FOIA requests.

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

Sec. 2. (a) Earlier this year, the Council adopted several emergency and temporary measures related to the COVID-19 pandemic. One provision included in the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), allowed for the tolling of any Freedom of Information Act (“FOIA”) requests during a time in which the Mayor has declared a public health emergency.

(b) At the time of initial adoption, the Council believed that the provision was necessary because government staff had limited access to documents and records that may be responsive to FOIA requests.

(c) Despite limitations, many agencies have continued to receive and process FOIA requests, and advocates have asked that the Council revisit this provision in light of agencies having the ability to fulfill these requests now that the government has adjusted to working during the pandemic.

(d) To provide public bodies with time to process the FOIA requests that they have received over the last 8 months that FOIA has been tolled, the emergency does not end the FOIA tolling until January 15, 2021, and provides public bodies 45 days to respond to the FOIA requests that they have received thus far.

(e) To ensure that individuals remain safe and healthy during the COVID-19 pandemic, the emergency includes a provision that extends the FOIA response timelines when the need to conduct an on-site review of records could present a significant risk to an individual’s health or safety. Thus, individuals will not have to risk their health or safety in order to respond to a FOIA request.

ENROLLED ORIGINAL

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency with respect to the need to amend the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020 to extend the report submission and sunset dates of the Police Reform Commission; and to amend the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020 to make conforming amendments.

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

Sec. 2. (a) On July 7, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020, effective July 22, 2020 (D.C. Act 23-336; 67 DCR 9148) (“emergency act”). Section 122 of the emergency act created a Police Reform Commission (“Commission”) to examine policing practices in the District and provide evidence-based recommendations for reforming and revising policing in the District. The emergency act provided that the Commission shall submit its recommendations in a report to the Mayor and Council by December 31, 2020, and shall sunset upon the delivery of its report or on December 31, 2020, whichever is later. The emergency act expired on October 19, 2020.

(b) On July 21, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, enacted on August 12, 2020 (D.C. Act 23-399; 67 DCR 9920) (“temporary act”), which is pending congressional review and projected to become law on December 7, 2020.

(c) On September 22, 2020, the Council passed the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, effective October 28, 2020 (D.C. Act 23-437; 67 DCR 12993) (“congressional review emergency act”). The congressional review emergency act was passed to avoid a gap in the law between the expiration of the emergency act and the effective date of the temporary act. The congressional review emergency act is set to expire on January 25, 2021.

(d) Since the passage of the emergency act, the Commission’s membership has been appointed, the Commission and its committees have met numerous times, and the Council has

ENROLLED ORIGINAL

procured a contractor to support the Commission's activities and the development of its required report.

(e) This emergency legislation, which extends, in coordination with the Commission's Co-Chairs, the report submission deadline and the Commission's sunset date to April 30, 2021, is necessary to enable the Commission to complete its work.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Police Reform Commission Extension Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON
EXPLORING NON-LAW ENFORCEMENT ALTERNATIVES TO
MEETING COMMUNITY NEEDS**

Thursday, December 17, 2020, 10 a.m. – 3 p.m.

Virtual Roundtable via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

<http://video.oct.dc.gov/DCC/jw.html>

On Thursday, December 17, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable on “Exploring Non-Law Enforcement Alternatives to Meeting Community Needs”. The roundtable will be held virtually via the Zoom platform from 10 a.m. to 3 p.m. Public witnesses will testify from 10 a.m. to 1 p.m., followed by government witnesses from 1 p.m. to 3 p.m.

The default response to addressing many community needs in the District of Columbia is law enforcement. From mental and behavioral health crises to noise complaints, fireworks to parking, Metropolitan Police Department officers are expected to be the primary – and often, only – solution to most calls for 9-1-1 service, regardless of a call’s acuity, relationship to alleged criminal activity, or potential for resolution by other government agencies or community-based organizations. This overreliance on law enforcement strains officers’ capacity and impacts their health and wellness; diverts critical resources from other needs; creates redundancies and siloism in the provision of government services; increases the likelihood of the use of force, particularly serious or deadly force; exacerbates distrust in police; drives criminal justice involvement; and fails to address root causes.

Cities and states across the country are actively considering, developing, and evaluating non-law enforcement responses to community needs. Whereas the District’s emergency response system is based primarily on a binary choice – either police or fire and emergency medical services – jurisdictions including Eugene and Portland, Oregon, Los Angeles, Oakland, and San Francisco, California, Seattle, Washington, Denver, Colorado, and Albuquerque, New Mexico are supplementing or supplanting traditional law enforcement responses to approach the prevention, intervention, and response to social issues in innovative ways.

The purpose of the Committee's public oversight roundtable is to explore such alternative responses, including the specific models under consideration or already in place in other jurisdictions and internationally. The Committee will discuss the programs' governing philosophies, structures and relationships to government systems, staffing, costs, efficacy, and suitability for the unique context of the District. Further, the roundtable will also consider the need to integrate social services and public health approaches *within* District law enforcement. Lastly, the Committee will discuss relevant current and former legislative and agency initiatives in the District, such as the Pre-Arrest Diversion Pilot Program.

The Committee invites the public to provide live and/or written testimony. Public witnesses seeking to provide live testimony at the Committee's roundtable should review the following instructions:

- Anyone wishing to provide live testimony must email the Committee at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Monday, December 14.**
- The Committee will approve witnesses' registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses' testimony.
- **Witnesses who are approved by the Committee to testify will be emailed Zoom registration instructions for the roundtable, which they must complete in order to be placed on the final witness list and receive their unique Zoom link.**
- Representatives of organizations will be allowed a maximum of five minutes for live testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of any written testimony electronically in advance to judiciary@dccouncil.us.
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the roundtable. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the roundtable may not be fulfilled.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be emailed to the Committee at judiciary@dccouncil.us **no later than the close of business on Friday, December 18.**

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 23-117 FY 2020 Grant Budget Modifications as of November 17, 2020

RECEIVED: 2-day review begins December 3, 2020

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 23-143: Request to reprogram \$500,000 of Fiscal Year 2021 capital budget from the Department of General Services to the Department of Parks and Recreation was filed in the Office of the Secretary on December 2, 2020. This reprogramming is needed for DPR to complete critical Americans with Disabilities Act (ADA) improvements to its facilities at Turkey Thicket and Riggs LaSalle Recreation Centers.

RECEIVED: 14-day review begins December 3, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: ** December 11, 2020
Protest Petition Deadline: ** February 16, 2021
Roll Call Hearing Date: ** March 8, 2021
Protest Hearing Date: ** May 12, 2021

License No.: ABRA-117332
Licensee: Boiling Crab Restaurant Group, LLC
Trade Name: The Boiling Crab
License Class: Retailer’s Class “C” Restaurant
Address: 400 H Street, N.E.
Contact: Christina Gonzales.: (213) 417-2357

WARD 6

ANC 6C

SMD 6C05

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 8, 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 12, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 160 and Total Occupancy Load of 174. ****Sidewalk Café with 8 seats.**

****HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SIDEWALK CAFÉ**

Saturday and Sunday 12pm – 10pm, Monday through Friday 3pm – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **November 20, 2020
 Protest Petition Deadline: **January 25, 2021
 Roll Call Hearing Date: **February 16, 2021
 Protest Hearing Date: **April 21, 2021

License No.: ABRA-117332
 Licensee: Boiling Crab Restaurant Group, LLC
 Trade Name: The Boiling Crab
 License Class: Retailer’s Class “C” Restaurant
 Address: 400 H Street, N.E.
 Contact: Christina Gonzales.: (213) 417-2357

WARD 6

ANC 6C

SMD 6C05

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 **February 16, 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 ****April 21, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 160 and Total Occupancy Load of 174.

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

Saturday and Sunday 12pm – 10pm, Monday through Friday 3pm – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
12/11/2020

Notice is hereby given that:

License Number: ABRA-117459

License Class/Type: B Retail - Grocery

Applicant: U First Mart, Inc.

Trade Name: U First Mart

ANC: 5E07

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

1942 1ST ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
2/16/2021

A HEARING WILL BE HELD ON:
3/8/2021

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:30 am - 12 am	9 am - 12 am
Monday:	7:30 am - 12 am	9 am - 12 am
Tuesday:	7:30 am - 12 am	9 am - 12 am
Wednesday:	7:30 am - 12 am	9 am - 12 am
Thursday:	7:30 am - 12 am	9 am - 12 am
Friday:	7:30 am - 12 am	9 am - 12 am
Saturday:	7:30 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 11, 2020
Protest Petition Deadline: February 16, 2021
Roll Call Hearing Date: March 8, 2021
Protest Hearing Date: May 12, 2021

License No.: ABRA-117358
Licensee: Vitis Vinos Inc.
Trade Name: Vitis Vinos
License Class: Retailer's Class "A" Liquor Store
Address: 1100 2nd Place, S.E.
Contact: Brian O Hora: (202) 460-0527

WARD 6

ANC 6D

SMD 6D07

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 8, 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 12, 2021 at 1:30 p.m.

NATURE OF OPERATION

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

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am - 12am

**BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
 WEDNESDAY, FEBRUARY 10, 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 SIX

Application of:	Eighth Street, LLC
Case No.:	18238A
Address:	413 8 th Street S.E. (Square 902, Lot 828)
ANC:	6B
Relief:	Modification of Significance pursuant to: <ul style="list-style-type: none"> • Subtitle Y § 703.3
Project:	For a modification of consequence to the conditions of BZA Order No. 18238, to extend the terms of the special exception granted on July 19, 2011, for an additional ten (10) years, to allow a continued fast food restaurant use in the MU-25 Zone.

WARD FIVE

Application of:	Aulona Alia
Case No.:	20372
Address:	2017 Rear 2nd Street NE (Square 3564, Lot 810)
ANC:	5E
Relief:	Area variances from: <ul style="list-style-type: none"> • the building height restrictions of Subtitle E § 5102 (pursuant to Subtitle X, Chapter 10) • the retaining wall height restrictions of Subtitle C § 1401.3(c); (pursuant to Subtitle X, Chapter 10)
Project:	To construct a new, two-story, principal dwelling unit, with a cellar and retaining walls in the RF-1 Zone.

WARD EIGHT

BZA PUBLIC HEARING NOTICE (REVISED)

FEBRUARY 10, 2021

PAGE NO. 2

Application of:	3321 13th Street, LLC
Case No.:	20373
Address:	3321 13th Street, SE (Square 5937, Lot 59)
ANC:	8E
Relief:	Special Exception under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 421(pursuant to Subtitle X § 901.2)
Project:	to convert an existing detached, community residence facility, to a 12- unit apartment building in the RA-1 Zone

WARD FIVE

Application of:	Quincy Street Condominium Association
Case No.:	20375
Address:	908 Quincy Street, NE (Square 3818, Lot 3)
ANC:	5B
Relief:	Special Exception from: <ul style="list-style-type: none"> • the surface parking screening requirements of Subtitle C § 714.2 (pursuant to Subtitle C § 714.3, and Subtitle X § 901.2)
Project:	To comply with three approved off-street parking spaces in the RA-1 Zone.

BZA PUBLIC HEARING NOTICE (REVISED)

FEBRUARY 10, 2021

PAGE NO. 3

WARD FIVE

Application of:	1419 Trinidad, LLC
Case No.:	20378
Address:	1419 Trinidad Avenue, NE (Square 4061, Lot 123)
ANC:	5D
Relief:	Special Exception from: <ul style="list-style-type: none"> • the rooftop architectural element requirements of Subtitle E § 206.1 (pursuant to Subtitle E §§ 206.2 and 5203 and a; Waiver under: <ul style="list-style-type: none"> • the provisions of Subtitle E § 5203.2
Project:	To construct a porch with a roof addition, and to convert the existing attached principal dwelling unit to a three-story flat in the RF-1 Zone.

WARD SIX

Application of:	Andrew Hanko and Carol Connelly
Case No.:	20379
Address:	514 9th Street, SE (Square 949, Lot 36)
ANC:	6B
Relief:	Special Exception under: <ul style="list-style-type: none"> • the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitles E §§ 205.5, 5201 and Subtitle X 901.2)
Project:	To construct a second story addition to an existing one-story principal dwelling unit in the RF-1 Zone.

BZA PUBLIC HEARING NOTICE (REVISED)

FEBRUARY 10, 2021

PAGE NO. 4

WARD THREE

Application of:	Polygon Holdings, LLC
Case No.:	20380
Address:	4457 MacArthur Boulevard, NW (Square 1363, Lot 57)
ANC:	3D
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the new residential development requirements of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2), and from; • the side yard requirements of Subtitle F § 306.2(a) (pursuant to Subtitle F § 5201 and Subtitle X § 901.2)
Project:	To construct a three-story addition, to a 9-unit residential apartment house in the RA-1 Zone.

WARD SIX

Application of:	Thomas Sullivan and Heather Greenfield
Case No.:	20381
Address:	314 10 th Street, SE (Square 970, Lot 805)
ANC:	6B
Relief:	Special Exception from: <ul style="list-style-type: none"> • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a two-story addition, with cellar, to an existing two-story principal dwelling unit in the RF-1 Zone.

BZA PUBLIC HEARING NOTICE (REVISED)

FEBRUARY 10, 2021

PAGE NO. 5

WARD TWO

Application of:	Matthew and Jacqueline Robertson, and Bernadette Eichelberger
Case No.:	20385
Address:	1934 37th Street, NW (Square 1309, Lot 44)
ANC:	2E
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the accessory apartment requirements of Subtitle U § 253.4 (pursuant to Subtitle X § 901.2), and from; • the rear yard requirements of Subtitle D § 1206.2 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a basement accessory apartment and a rear deck, to an existing attached, principal dwelling unit in the R-20 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?

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

Do you need assistance to participate?

Amharic

BZA PUBLIC HEARING NOTICE (REVISED)

FEBRUARY 10, 2021

PAGE NO. 6

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። እንኳን አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

**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, MARCH 3, 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

Application of:	Charles Wood and Elizabeth Van Beuren
Case No.:	20384
Address:	2414 Observatory Place N.W. (Square 1301, Lot 543)
ANC:	3B
Relief:	Special Exception from: <ul style="list-style-type: none"> • the rear yard requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) and an; Area variance from: <ul style="list-style-type: none"> • the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle X, Chapter 10)
Project:	To construct a rear deck addition to an existing two-story, attached, principal dwelling unit in the R-3 Zone.

WARD FIVE

Application of:	Andrea and Christopher Schierkolk
Case No.:	20387
Address:	1012 Taussig Place N.E. (Square 3890, Lot 110)
ANC:	5B
Relief:	Special Exception from: <ul style="list-style-type: none"> • the rear yard requirements of Subtitle D § 306.2 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a rear addition to an existing, two-story, semi-detached, principal dwelling unit in the RF-1 Zone.

BZA PUBLIC HEARING NOTICE
 MARCH 3, 2021
 PAGE NO. 2

WARD ONE

Application of:	2615 13th Street, LLC
Case No.:	20388
Address:	2615 13th Street N.W. (Square 2862, Lot 42)
ANC:	1B
Relief:	Special Exception under: <ul style="list-style-type: none"> • the use provisions of Subtitle U § 301.4 (pursuant to § Subtitle X 901.2)
Project:	To construct rear deck additions to an existing three-story, four-unit apartment house in the RF-1 Zone.

WARD FOUR

Application of:	Potomac Venture Group, LLC
Case No.:	20390
Address:	11 Nicholson Street N.W. (Square 3383, Lots 2, 23, and 24)
ANC:	4B
Relief:	Area Variance from: <ul style="list-style-type: none"> • the nonconforming structure requirements of Subtitle C § 204.1 (pursuant to Subtitle X, Chapter 10)
Project:	To allow an additional unit in an existing, detached, 19-unit apartment building in the R-1-B Zone.

BZA PUBLIC HEARING NOTICE

MARCH 3, 2021

PAGE NO. 3

WARD SIX

Application of:	Amy Dapot
Case No.:	20393
Address:	1608 Rear East Capitol Street N.E. (Square 1084, Lot 46)
ANC:	6A
Relief:	Special Exception from: <ul style="list-style-type: none"> the minimum parking requirements of Subtitle C § 701.5 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2)
Project:	To convert an existing, detached, two-story, carriage house to a principal dwelling unit in the RF-1 Zone

WARD TWO

Application of:	Rover Enterprises, LLC
Case No.:	20394
Address:	3550 Whitehaven Parkway N.W. (Square 1296, Lot 382)
ANC:	2E
Relief:	Special Exception from: <ul style="list-style-type: none"> the rear addition requirements of Subtitle D § 1206.3 (pursuant to Subtitle D § 1206.4, Subtitle D § 5201, and Subtitle X § 901.2)
Project:	To construct a three-story rear addition to an existing, attached, three-story principal dwelling unit in the R-20 Zone.

BZA PUBLIC HEARING NOTICE
 MARCH 3, 2021
 PAGE NO. 4

WARD ONE

Application of:	3315 11 th Street Holdings, LLC
Case No.:	20396
Address:	3315 11th Street N.W. (Square 2841, Lot 45)
ANC:	1A
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • The minimum parking requirements of Subtitle C § 701.5 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2)
Project:	To raze the existing two-story, attached, principal dwelling unit, and to construct a new, four-story, nine-unit, apartment 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?

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

Do you need assistance to participate?

Amharic

BZA PUBLIC HEARING NOTICE
MARCH 3, 2021
PAGE NO. 5

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

Chinese

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

French

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

Korean

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

Spanish

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

Vietnamese

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

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

**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

TIME AND PLACE: **Monday, February 8, 2021, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the
Office of Zoning website by Noon on the Hearing Date¹

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 20-28 (FC 110 N ST SE LLC – Design Review @ Square 743, Lot 856 [“Parcel F” in the Southeast Federal Center, 110 N Street, SE])

THIS CASE IS OF INTEREST TO ANC 6D

FC 110 N ST SE LLC (“Applicant”) filed an application (the “Application”) on November 17, 2020, pursuant to 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) requesting that the Zoning Commission for the District of Columbia (the “Commission”) grant Design Review approval as required by the provisions of Subtitle K §§ 237, 241, and 242 for Lot 856 in Square 743, which has an address of 110 N Street, S.E. (“Parcel F”) and is located in the SEFC-1A zone.

Parcel F

Parcel F consists of approximately 44,720 square feet of land area in the 42-acre site formerly known as the Southeast Federal Center and now known as The Yards. Parcel F is bounded by N Street, S.E. to the south, First Street, S.E. to the west, the future private street Quander Street, S.E. to the north, and the future private street Yards Place, S.E. to the east. Parcel F will be located on a single record with Parcels A and G and portions of the private street network including Quander Street and Yards Place, S.E. Parcel F is currently improved with a temporary surface parking lot.

The Application proposes to construct a 9-story mixed-use building with a maximum 130-foot height and the full 1.0 FAR bonus density permitted in the SEFC-1A zone, containing approximately:

- 267,485 square feet of office uses;
- 22,776 square feet of ground floor retail uses;
- 8,345 square feet of a habitable penthouse; and
- 175 vehicle parking spaces and 84 long-term and 18 short-term bicycle spaces in a below-grade garage.

The Application also seeks zoning flexibility from the 1:1 penthouse setback requirement of Subtitle C § 1502.1 for the terrace guardrails.

¹ Anyone who wishes to participate in this case but cannot do so via WebEx or telephone may submit written comments to the record. (See p. 2, *How to participate as a witness – written statements.*)

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4, 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. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, **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.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise

the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application**, a copy of which may be downloaded from OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.

“Great weight” to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER 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.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስተባባሪው 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 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 the adoption of amendments to Chapters 1 (Provisions of General Applicability), 2 (License and Permit Categories), 4 (General Licensing Requirements), 5 (License Applications), 6 (License Changes), 7 (General Operating Requirements), 9 (Prohibited and Restricted Activities), 10 (Endorsements), 11 (Advertising), 12 (Records and Reports), 13 (Transport of Beverages), 15 (Applications: Notice of Hearings Involving Licenses), 16 (Contested Hearings, Non-contested Hearings, Protest Hearings, and Procedures), 17 (Procedural Requirements for Board Hearings), 18 (Petition Procedures), 19 (Complaints: Inquiries to the Board), and 20 (Caterer’s License) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 1 include revising the definition of the term “safekeeping hearings” in § 199. Chapter 2 is amended by repealing § 214 (Notice to Advisory Neighborhood Commissions) and moving it to Chapter 15 (Applications: Notice of Hearings Involving Licensees). Chapter 4 (General Licensing Requirements) is amended by replacing “voluntary agreement” with the phrase “settlement agreement” as it is used in Title 25 of the D.C. Official Code. Similar amendments were made throughout Title 23 to ensure obsolete terminology is no longer used. Additionally, Chapter 5 (License Applications) and Chapter 6 (License Changes) are revised to conform to D.C. Official Code § 25-402 as it relates to those members/owners of a licensed establishment that must comply with 23 DCMR and Title 25 of D.C. Official Code. Chapter 6 is further amended for purposes of recognizing limited liability companies.

Numerous amendments are being made to Chapter 7 (General Operating Requirements). Section 703 (Temporary Operating Retail Permit) was amended to establish a ninety (90)-day time limit for temporary operating retail permits, unless extended by the Board for good cause. Conforming amendments were made to § 705 (Hours of Sale and Delivery for Off-Premises Retail Licenses) to ensure that they are consistent with Title 25 of D.C. Official Code. Sections 706 (Locking of Beverages During Non-Sale Hours), 710 (Minimum Charge), and 712 (Pub Crawls) were amended to correct errors in the text. These revisions were more technical than substantive.

Chapter 7 is further amended by ensuring that statutory changes contained in the Omnibus Alcoholic Beverage Regulation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-165; D.C. Official Code §§ 25-101 *et seq.* (2012 Repl. & 2019 Supp.)) (“2018 Omnibus bill”) are also captured in the regulations. To that end, § 707.1 sets forth instances in which a licensed establishment is not required to have an owner or ABC Manager present on the licensed premises. Similarly, §§ 711, 712, 716, and 717 are amended to conform with Title 25 of the D.C. Official Code.

Specifically, § 711 (Retail Permits for Sampling of Alcoholic Beverages) is amended to allow holders of wholesaler licenses, manufacturer's licenses, and off-premises retailer licenses to offer tastings during specific hours. Section 716 (One Day Substantial Changes) is amended to allow manufacturers and off-premises retail licenses to apply for one-day substantial change permits. Section 717 (Corking Fee) is amended to allow holders of temporary and festival licenses to allow their customers to bring their own alcoholic beverages to their events. Lastly, a new § 722 (Self-Service Machines) is added to regulate and standardize the operations of self-serving machines that serve beer and wine.

The rulemaking also amends Chapter 9 (Prohibited and Restricted Activities) by amending § 904 so that its language is consistent with what is proscribed in § 903. The purpose of the amendment is to standardize the language in both sections. These changes are technical in nature and serve to eliminate any confusion that might exist.

Additionally, the rulemaking amends Chapter 10 (Endorsements) by amending § 1001 (Entertainment Endorsement Application) by replacing "voluntary agreement" with the phrase "settlement agreement". Further amendments to §§ 1002 and 1003 conform the language in the regulations to the Council's recent statutory amendments in the 2018 Omnibus bill. Specifically, § 1002 (Cover Charge) is amended to permit holders of manufacturer licenses as well as bed and breakfasts to charge a cover. Similarly, the amendments to § 1003 (One-Day Substantial Change Exception) allow licensed manufacturers and bed and breakfasts to apply for a one-day substantial change permit. Lastly, the amendments to § 1004 (Sidewalk Café or Summer Garden Endorsement) would allow manufacturers and bed and breakfasts to apply for sidewalk café and summer garden endorsements.

Chapter 11 (Advertising) is amended by amending § 1100 (Prohibited Statements) to remove all references to religious holidays. Chapter 12 (Records and Reports) is amended by amending § 1202 (Wholesaler's Books, Records, and Reports) to remove the requirement that wholesalers submit annual reports to the Board. The Board no longer requires wholesalers to submit these reports and does not foresee reinstating this requirement.

Chapter 13 (Transport of Beverages) is amended by repealing § 1300 (Transport Permits for Alcoholic Beverages) and incorporating its requirements into § 1301 (Importation Permits for Retailers of Alcoholic Beverages) and § 1302 (Importation of Alcoholic Beverages for Private Use and Consumption). Sections 1301 and 1302 are revised so that they are consistent. Section 1303 is amended by subjecting wholesalers and manufacturers that ship alcoholic beverages in the District to the same standard as other licensees.

Chapter 15 (Applications: Notice of Hearings Involving Licenses) is amended by adding a new § 1505 (Notice to Advisory Neighborhood Commissions). This requirement was in § 214, which this rulemaking would repeal. Chapter 16 (Contested Hearings, Non-contested Hearings, Protest Hearings, and Procedures) is amended by amending § 1600 (General Provisions) to clarify which hearings are contested and non-contested. Section 1602 (Filing a Protest) is amended to require (1) only the chairman of the ANC, president of an organization, or other designated party can sign protest letters on behalf of their respective body and (2) to require protest groups to

designate a representative for the group in their protest letter. Section 1605 (Party Standing of a Group of Five or More Residents or Property Owners) is amended to ensure that the requirements for protestant groups of five or more and protestant groups of three or more, if in a moratorium zone, are consistent. Additionally, § 1612 (Protest Hearings) is amended to ensure that what is required in Protest Hearings where there are two or more protestants is consistent in § 1612 and § 1714. The objective is to make the two sections harmonious. Lastly, § 1616 (Fact-Finding Hearings) is amended by clarifying (1) which hearings are closed to the public by operation of law and (2) that the Board can send an investigative report to OAG for show cause after a fact finding hearing.

Chapter 17 (Procedural Requirements for Board Hearings) is amended by amending § 1703 (Service of Papers) to make it clear that an investigator can serve the owner, the ABC manager or any employee of a licensed establishment. Sections 1706 (Appearance and Representation) and 1707 (Notice of Appearance) are amended to clarify what is required of lawyer and non-lawyer representatives appearing before the Board. Section 1708 (Inspection of Board Files) is amended to conform to the Council's statutory changes contained in the 2018 Omnibus bill to require that requests for documents be produced within three (3) business days. Section 1709 (Investigator Reports) is amended to make clear that all protest matters will be assigned to an investigator to produce a report prior to the protest hearing. Section 1714 is amended to conform its language with the amendments to § 1612. Section 1717 (Post-Hearing Submissions) is amended to clarify that Proposed Findings of Fact and Conclusions of Law are limited to the evidence submitted at the hearing, and that the parties cannot introduce any new evidence or arguments after the record closes.

Further amendments to Chapter 17 include revising § 1719 (Reconsideration, Rehearing, and Reargument) in its entirety, including renaming the section "Reconsideration, Rehearing, Reargument, and Stay". Section 1722 (Protest Information Form) is revised to conform to the Board's practice and to clarify the failure to file the PIF or an Exhibit Form may result in the dismissal of a party's case or the exclusion of evidence not disclosed prior to the hearing.

Chapter 18 (Petition Procedures) is amended by repealing § 1801 because it duplicates § 1602 (Filing a Protest). Chapter 19 (Complaints: Inquiries to the Board) is amended by replacing "voluntary agreement" with the phrase "settlement agreement" in § 1903.1. Lastly, Chapter 20 (Caterer's License) is amended by revising § 2005 (Manager Attendance at Catered Events) in its entirety and amending § 2006 (Caterer's Report) by revising § 2006.1 in its entirety by eliminating the requirement that caterer's reports must be furnished to the Board under oath.

The proposed rulemaking was published in the *D.C. Register* for thirty (30)-day notice and comment on November 29, 2019. *See* 66 DCR 15729. The Board did not receive any comments during the comment period. Additionally, on January 8, 2020, the Board held a public hearing for purposes of receiving comments from public. No one appeared as a witness at the hearing and the Board did not receive any written comments.

The Technical Amendment Notice of Proposed Rulemaking was introduced to the Council of the District of Columbia on March 5, 2020. *See* Alcoholic Beverage Regulation Administration Technical Amendments Approval Resolution of 2020 (PR23-755). The Council held a hearing

pertaining to the rulemaking on October 8, 2020, and on October 20, 2020, passed the resolution approving the rulemaking. Therefore, the rulemaking is ripe for final rulemaking action and no changes have been made to the rulemaking since it was published as proposed.

On November 18, 2020, by a vote of seven (7) to zero (0), the Board approved the Technical Amendment Notice of Final Rulemaking. The final rules shall take effect five (5) days after publication in the *D.C. Register*.

Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 199, DEFINITIONS, Subsection 199.1, is amended by revising the definition of “Safekeeping hearing” to read as follows:

Safekeeping hearing – the proceeding held by the Board to determine whether reasonable cause exists to extend the period that a license is held in safekeeping or whether the license should be cancelled.

Chapter 2, LICENSE AND PERMIT CATEGORIES, is amended as follows:

Section 214, NOTICE TO ADVISORY NEIGHBORHOOD COMMISSIONS, is repealed so that the section reads as follows:

214 [REPEALED]

Chapter 4, GENERAL LICENSING REQUIREMENTS, is amended as follows:

Section 402, BOARD CHECK SHEET, is amended by striking “voluntary agreement” and replacing it with “settlement agreement” in § 402.1(e) so that it reads as follows:

402.1

...

(e) A copy of the establishment’s cooperative agreement or settlement agreement, if any.

Chapter 5, LICENSE APPLICATIONS, is amended as follows:

Section 502, POLICE CLEARANCE, is amended by striking the term “principal vice president” and inserting the term “vice president” in § 502.3, and striking the phrase “over twenty-five percent (25%)” and inserting the phrase “ten percent (10%) or more” in § 502.4, so that both subsections read as follows:

502.3 Each individual partner of a partnership, the president, vice president, and treasurer of a corporation and the managers of a limited liability company shall be required to comply with the provisions of this section.

502.4 Each stockholder, limited partner, or member of a limited liability company holding directly or indirectly ten percent (10%) or more of the stock of a corporation, partnership, or limited liability company shall be required to comply with the provisions of this section.

Chapter 6, LICENSE CHANGES, is amended as follows:

Section 601, CORPORATE AND PARTNERSHIP CHANGES, is amended by striking the phrase “twenty-five percent (25%)” and inserting the phrase “ten percent (10%)” in Subsection 601.1, and amending § 601.4 in its entirety, so that both subsections read as follows:

601.1 If there is a change in corporate officers, directors, limited or general partners in a partnership, or persons owning or controlling ten percent (10%) or more of the common stock of the corporate license, the corporation or partnership shall submit to the Board within fifteen (15) calendar days the minutes or other instrument giving the names and addresses of any new officer, director, partner, or person holding ten percent (10%) or more of the stock.

601.4 If there is a change in the general partners of a limited partnership or the members of a limited liability company, the partnership or limited liability company owning or controlling ten percent (10%) of the partnership interest shall submit to the Board in a timely manner, but no later than fifteen (15) calendar days after the changes has occurred, the instruments reflecting the change in partnership or membership interests.

Chapter 7, GENERAL OPERATING REQUIREMENTS, is amended as follows:

Section 703, TEMPORARY OPERATING RETAIL PERMIT, is amended by renumbering the current § 703.5 as § 703.6; striking the phrase “pursuant to § 703.5” and inserting the phrase “pursuant to § 703.6” in § 703.4; and creating a new § 703.5 which will allow the temporary operating retail permit to remain in effect for ninety (90) days, unless the Board grants an extension for good cause.

703.4 The 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 § 703.6.

703.5 Notwithstanding § 703.4, no permit shall be valid for longer than ninety (90) calendar days unless extended by the Board for good cause.

Section 705, HOURS OF SALE AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES, is amended by repealing § 705.1; striking the phrase “cooperative/voluntary agreement” and inserting the phrase “cooperative/settlement agreement” in § 705.2; repealing § 705.3; striking the phrase “stated in” and inserting the phrase “provided by” in § 705.4, as well as adding the phrase “or as otherwise set forth in its license” after the

phrase “of this title”; and inserting the phrase “provided by” after the phrase “during the hours of sale” in § 705.5. Each of the amended subsections shall read as follows:

- 705.1 [REPEALED].
- 705.2 The Board may, by written order, further limit the hours of sale and deliver set forth in D.C. Official Code § 25-722 on a case-by-case basis upon conclusion of a protest hearing or through Board approval of a cooperative/settlement agreement.
- 705.3 [REPEALED].
- 705.4 The holder of a Retailer’s license Class A or Class B shall not sell or deliver alcoholic beverages during any hour or on any day other than during those days and during those hours provided by D.C. Official Code § 25-722 and § 705.2 of this title, or as otherwise set forth in its license.
- 705.5 The holder of a Retailer’s license Class A may sell and deliver, during the hours of sale provided by D.C. Official Code § 25-722 and § 705.2 of this title, no less than six (6) miniatures of spirits or wine per purchase.

Section 706, LOCKING OF BEVERAGES DURING NON-SALE HOURS, is amended by striking the term, “department”, and inserting the term, “compartment”, in § 706.1 so that it reads as follows:

- 706.1 No holder of a Retailer’s license Class A, B, C, or D who offers for sale on the licensed premises commodities other than alcoholic beverages shall remain open during hours when the sale of alcoholic beverages is prohibited unless the licensee keeps all of the alcoholic beverages upon the premises in a separate beverage compartment which is securely closed and locked or there is a licensed manager or owner on the premises during all hours when the sale of alcoholic beverages is prohibited.

Section 707, MANAGER’S LICENSE, is amended by amending § 707.1 and 707.2 in their entirety to read as follows:

- 707.1 An owner or the Board-approved manager shall be present at the licensed establishment during the hours in which alcoholic beverages may be sold, served, or consumed on the licensed premises.
- 707.2 Notwithstanding the requirements in § 707.1, neither the owner nor the Board-approved manager must be present at the licensed establishment when:
- (a) There are not any alcoholic beverages on the premises;
 - (b) The establishment is not open to the public;

- (c) Alcoholic beverages are secure and not accessible to the public for sale, service, or consumption; or
- (d) The license is in safekeeping pursuant to § 25-791.

Section 710, MINIMUM CHARGE, is amended by striking the term, “voluntary agreement” and inserting the term, “settlement agreement” in its place in § 710.3 so that the subsection reads as follows:

710.3 A minimum charge shall not be considered a cover charge and may be charged by an establishment without Board approval or an entertainment endorsement unless restricted by Board order or settlement agreement.

Section 711, RETAIL PERMITS FOR SAMPLING OF ALCOHOLIC BEVERAGES, is amended in its entirety to read as follows:

711.1 The holder of a Wholesaler’s licenses, Class A or B, Manufacturer’s License, Class A, B, or C, or an Off-premises Retailer’s License, Class A or B, may utilize a portion of the licensed premises for the sampling of alcoholic beverages. Containers of alcoholic beverages used for sampling purposes shall be labeled as such and may not be sold.

711.2 No licensee may use any portion of the licensed premises for the sampling of alcoholic beverages without a permit issued by the Board. A request for a permit shall be in writing and shall:

- (a) Include a diagram of the premises indicating the areas where the sampling is to take place; and
- (b) State the hours and days during which the sampling is to take place.

711.3 A permit issued under this section shall be valid for three (3) years. The permit shall expire on the same date as the applicant’s Wholesaler’s, Manufacturer’s, or Off-premises Retailer’s License.

711.4 The annual fee for a permit issued under this section shall be one hundred thirty dollars (\$130). Payment shall be made at the same time that the second and third year fees or renewal fees are due.

711.5 The holder of a permit issued under this section 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.

711.6 Unless otherwise restricted by Board order or settlement agreement:

- (a) The holder of an Off-premises Retailer’s License, Class A or B, may hold public tastings during the hours it is permitted to sell and serve alcoholic beverages;
- (b) The holder of a Manufacturer’s License, Class A, B, or C, possessing a tasting permit may hold public tastings between 8:00 a.m. and 12:00 a.m., seven (7) days a week; and
- (c) The holder of a Wholesaler’s License, Class A or B, possessing a tasting permit may hold tastings between 8:00 a.m. and 12:00 a.m., seven (7) days a week; provided that the tastings are:
 - (1) Not open to the public;
 - (2) For purposes of educating staff and introducing products to licensees; and
 - (3) Limited to the following:
 - (A) Retailers;
 - (B) Manufacturers;
 - (C) Temporary and festival license holders;
 - (D) Solicitors; and
 - (E) Wholesaler staff.

711.7 Private collectors may obtain a tasting permit from the Board to conduct tastings in accordance with D.C. Official Code § 25-118(g), provided that the tastings are not open to the public. The private tastings may be held between the hours of 8:00 a.m. and 12:00 a.m., seven (7) days a week.

Section 712, PUB CRAWLS, is amended by amending § 712.5 in its entirety to read as follows:

712.5 No later than sixty (60) days prior to the scheduled date of the pub crawl event, the applicant must provide the Metropolitan Police Department, the D.C. Fire and

Emergency Services, the Department of Public Works, and the Board with a Pub Crawl Event Form which shall include the following information:

- (a) The names and addresses of all licensed establishments which are expected to participate;
- (b) The geographic area where the event will take place;
- (c) The anticipated number and maximum number of participants;
- (d) The actual hours of the event;
- (e) The operational plan and security plan;
- (f) The plan for litter prevention, control, and removal; and
- (g) The location of the designated registration area(s).

Section 716, ONE DAY SUBSTANTIAL CHANGES, is amended in its entirety to read as follows:

716.1 The holder of an on-premises retailer's license or manufacturer's license may file a one-day substantial change request with the Board to: (a) sell or serve alcoholic beverages; (b) provide entertainment; (c) extend its hours of operation; (d) require a cover charge; (e) allow for dancing; or (f) operate at a location not permitted by the applicant's license as a part of a specific event. The one-day substantial change request may be granted, in the Board's discretion, unless the activities sought by the applicant are otherwise prohibited by the applicant's ABC license or by the terms of a valid settlement agreement.

716.2 Such a request made pursuant to § 716.1 shall not be granted by the Board:

- (a) More than six (6) times in a calendar year for a holder of a retailer's license; or
- (b) More than twelve (12) times in a calendar year for a holder of a manufacturer's license.

Section 717, CORKING FEE, is amended in its entirety to read as follows:

717.1 The holder of an on-premises retailer, temporary, or festival license may permit a patron to bring to and consume on the licensed premises an alcoholic beverage that the licensee is permitted to sell or serve under its license; provided that, the alcoholic beverage is opened by an employee of the establishments or event. However, the license shall not permit any alcoholic beverage opened on the licensed premises to be removed.

717.2 The holder of an on-premises retailer, temporary, or festival license shall be permitted to charge a corking fee provided that the corking fee is disclosed to the patron prior to the opening of the alcoholic beverage.

A new Section 722, SELF-SERVICE MACHINES, is added to read as follows:

722 SELF-SERVICE MACHINES

722.1 No licensed establishment shall allow self-service machines to be used on the licensed premises without first complying with this section.

722.2 Any person who the licensed establishment has determined is at least twenty-one (21) years of age may purchase an access card that may be used to purchase beer or wine from a self-service machine.

722.3 Before selling a prepaid access card to a customer, the licensed establishment shall check the customer's valid government-issued identification to ensure that the customer is at least twenty-one (21) years of age.

722.4 Customers shall only be allowed to purchase one (1) drink at a time with their access card.

722.5 Licensed establishments shall not knowingly allow third parties to directly or indirectly purchase beer or wine from self-service machines with another customer's access card.

722.6 Each licensed establishment offering self-service machines shall ensure that:

- (a) Only persons who are least twenty-one (21) years of age are able to utilize the self-service machines;
- (b) The prepaid access cards are programmed to allow the dispensing of no more than thirty-two ounces (32 oz.) of beer and fifteen ounces (15 oz.) of wine to a customer. Once the customer has dispensed the maximum amount of beer or wine, the access card shall be deactivated. The customer will need to provide the licensee or its designee with their identification before being allowed to add additional money on their access card;
- (c) The licensed establishment shall assess customers seeking to add additional money on their access card for signs of intoxication. No customer that reasonably appears to be intoxicated shall be permitted to add additional funds to their access cards; and
- (d) The licensed establishment shall retain control of the self-service machine.

722.7 All access cards shall be deactivated at the end of the licensed establishment's approved hours.

722.8 For purposes of this section, "self-service machine" shall mean any mechanized device that is capable of dispensing beer, wine, or both directly to a customer.

Chapter 9, PROHIBITED AND RESTRICTED ACTIVITIES, is amended as follows:

Section 904, GIFTS AND LOANS FROM WHOLESALER PROHIBITED, is amended by amending § 904.1 in its entirety to read as follows:

904.1 The five hundred dollar (\$500) limitation set forth in D.C. Official Code § 25-736 shall apply to each separate service or article of property for each individual transmittal being promoted by such service or article of property.

Chapter 10, ENDORSEMENTS, is amended as follows:

Section 1000, ENTERTAINMENT ENDORSEMENT, is amended by amending § 1000.1 and 1000.3 in their entirety to read as follows:

1000.1 No holder of a manufacturer's license, class A, B, or C, holding an on-site sales and consumption permit or an on-premises retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/B, or D/B, may have entertainment, dancing, or charge a cover without obtaining an entertainment endorsement.

1000.3 A holder of a manufacturer's license, class A, B, or C, holding an on-site sales and consumption permit, or an off-premises retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/B, or D/B that does not possess an entertainment endorsement shall not be permitted to position its furniture or otherwise create a dance floor or dance area on the licensed premises greater than one hundred forty square feet (140 ft.²) without an entertainment endorsement.

Section 1001, ENTERTAINMENT ENDORSEMENT APPLICATION, is amended by striking the term, "voluntary agreement" and inserting the term, "settlement agreement," in its place in § 1001.6 so that the subsection reads as follows:

1001.6 The licensee under a license, class C/R, D/R, C/H, D/H, C/T, or D/T, may file a written request with the Board to amend its entertainment endorsement subject to the procedures set forth in §1001.3. An amendment to an entertainment endorsement shall not be required for changes to an establishment's entertainment or dancing format if:

- (a) The licensee's entertainment endorsement is approved for entertainment or dancing; and

- (b) The changes are not restricted by Board order or cooperative/settlement agreement

Section 1002, COVER CHARGE, is amended by amending § 1002.1 in its entirety to read as follows:

- 1002.1 The holder of a manufacturer's license, class A, B, or C, that possesses an on-site sales and consumption permit, or an on-premises retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/B, or D/B shall obtain an entertainment endorsement to have a cover charge. For purposes of this section, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink.

Section 1003, ONE-DAY SUBSTANTIAL CHANGE EXCEPTION, is amended by amending § 1003.1 and 1003.2 in their entirety to read as follows:

- 1003.1 The holder of a manufacturer's license, class A, B, or C, or retailer's license, class C/R, D/R, C/H, D/H, C/T, D/T, C/B, or D/B, who does not possess an entertainment endorsement may file a one-day substantial change request with the Board pursuant to § 716 for permission to have entertainment, a cover charge, or dancing if not otherwise permitted by one's license as part of a specific event. The one-day substantial change request may be granted, in the Board's discretion, unless the activities sought by the applicant are otherwise prohibited by the establishment's license.
- 1003.2 A request under § 1003.1, when considered together with § 716.1, shall not be granted by the Board:
- (a) More than six (6) times in a calendar year for retailer's licenses; or
 - (b) More than twelve (12) times in a calendar year for manufacturer's licenses.

Section 1004, SIDEWALK CAFÉ OR SUMMER GARDEN ENDORSEMENT, is amended by amending § 1004.1 in its entirety to read as follows:

- 1004.1 No holder of a manufacturer's license, class A, B, or C, with an on-site sales and consumption permit or an on-premises retailer's license shall be permitted to sell, service, or permit the consumption of alcoholic beverages on either outdoor public or private space without obtaining a sidewalk café endorsement for outdoor public space or a summer garden endorsement for privately owned space. The sidewalk café or summer garden endorsement shall be placed by ABRA on the license.

Chapter 11, ADVERTISING, is amended as follows:

Section 1100, PROHIBITED STATEMENTS, is amended by repealing § 1100.2 as follows:

1100.2 [REPEALED].

Chapter 12, RECORDS AND REPORTS, of Title 23 DCMR is amended as follows:

Section, 1202, WHOLESALER’S BOOKS, RECORDS, AND REPORTS, is amended by repealing § 1202.4 as follows:

1202.4 [REPEALED].

Chapter 13, TRANSPORT OF BEVERAGES, is amended as follows:

Section 1300, TRANSPORT PERMITS FOR ALCOHOLIC BEVERAGES, is repealed.

1300 [REPEALED]

Section 1301, IMPORTATION PERMITS FOR RETAILERS OF ALCOHOLIC BEVERAGES, is amended by amending § 1301.1 in its entirety to read as follows:

1301.1 Pursuant to D.C. Official Code § 25-119, the Board may issue an importation permit to a holder of a retailer’s license, Class A, B, C, or D, or any other entity authorized to obtain an importation permit in accordance with § 1302.4 to allow for the importation of alcoholic beverages bearing the same brand or trade name into the District of Columbia which are not obtainable by the retail licensee from a licensed manufacturer or wholesaler in the District of Columbia in sufficient quantity to reasonably satisfy the immediate needs of the retail licensee.

Section 1302, IMPORTATION OF ALCOHOLIC BEVERAGES FOR PRIVATE USE AND CONSUMPTION, is amended by renumbering the existing § 1302.2 through § 1302.4 as § 1302.3 through 1302.5.

Section 1302 is further amended by creating a new § 1302.2 to read as follows:

1302.2 Upon application made to the Board for an importation permit pursuant to § 1302.1, the applicant shall certify to the Board that the alcoholic beverages that are to be imported into the District of Columbia are not available from a licensed manufacturer or wholesaler in sufficient kind or quantity to reasonably satisfy the immediate needs of the licensee.

Section 1303, TRANSPORT OF BEVERAGES WITHIN THE DISTRICT OF COLUMBIA, is amended by amending § 1303.1 and 1303.2 in their entirety to read as follows:

1303.1 No licensee, or agent, or employee of a manufacturer, wholesaler, or retailer shall transport into or within the District of Columbia any of the following in a vehicle

unless that vehicle bears upon the exterior of both sides of the vehicle, the name of the licensee and the kind and number of the licensee’s beverage license in letters not less than three and one-half inches (3 ½ in.) high:

- (a) More than twelve (12) bottles of spirits or wine; or
- (b) More than forty-eight (48) bottles of beer.

1303.2 If more than twelve (12) containers of spirits or wine, or more than forty-eight (48) containers of beer, are transported in a vehicle not conforming with the requirements of § 1303.1, the person in charge of the transportation shall have in his or her possession a permit from the Board or a bill or memorandum issued by the seller of the alcoholic beverages, showing the following information:

- (a) The name and address of seller;
- (b) The date of the sale; and
- (c) The quantity and character of each beverage being transported.

Chapter 15, APPLICATIONS: NOTICE OF HEARINGS INVOLVING LICENSES, is amended by renumbering the existing § 1505, PRESUMPTIONS OF APPROPRIATENESS, as § 1506.

Chapter 15 is further amended by creating a new § 1505 to read as follows:

1505 NOTICE TO ADVISORY NEIGHBORHOOD COMMISSIONS

1505.1 Notice required to be provided by the Board to each ANC Office, ANC Chairperson, and ANC single member district Commissioner pursuant to D.C. Official Code § 1-309.10(c)(2)(A) shall be sent to the ANC address on file with the Office of Advisory Neighborhood Commissions.

Chapter 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS, PROTEST HEARINGS, AND PROCEDURES, is amended as follows:

Section 1600, GENERAL PROVISIONS, is amended by striking the term “fact-finding hearing” wherever it appears in the section and replacing it with “fact finding hearing” and amending § 1600.3 and 1600.4 in their entirety, so that the section reads as follows:

1600 GENERAL PROVISIONS

1600.1 The provisions of this chapter shall govern the following items:

- (a) Roll call hearings, mediations, or status hearings regarding the issuance, transfer, or renewal of a license, or the making of substantial changes to a

licensee's business operations under authority of the Act;

- (b) Protest hearings regarding the issuance, transfer or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act;
- (c) Fact finding hearings on any matter governed by the Act regarding an applicant for a license or a licensee; and
- (d) Show cause hearings, summary suspension hearings or summary revocation hearings regarding the revocation or suspension of a license issued under the Act.

1600.2 The Board may, for good cause shown and in the interest of justice or to prevent hardship, waive any provision of this chapter which is not required by the Act in any proceeding after duly advising the parties of its intention to do so.

1600.3 The following hearings held before the Board shall be considered to be contested cases:

- (a) Protest hearings;
- (b) Show cause hearings;
- (c) Summary suspension or summary revocation hearings;
- (d) Cease and desist hearings;
- (e) Contested fact finding hearings in which the Board may suspend or revoke one's license;
- (f) Temporary Operating Retail Permit revocation hearings; and
- (g) Qualifications hearings.

1600.4 The following hearings held before the Board shall not be considered to be contested cases:

- (a) Uncontested fact finding hearing, including the request to extend a license safekeeping; and
- (b) Moratorium hearings and other rulemaking hearings.

1600.5 The provisions of this chapter are intended to be consistent with the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.*). If there is any conflict between this chapter and the District of Columbia

Administrative Procedure Act, the District of Columbia Administrative Procedure Act shall govern.

- 1600.6 If there is any conflict within this chapter, provisions of specific application shall supersede those of general application.

Section 1602, FILING A PROTEST, is amended in its entirety to read as follows:

1602 FILING A PROTEST

- 1602.1 Only those individuals or entities listed in D.C. Official Code § 25-601 may file a protest against:
- (a) The issuance of a new license;
 - (b) The renewal of an existing license;
 - (c) The transfer of a license to a new location;
 - (d) Substantial changes to the nature of the operations of a licensed establishment; and
 - (e) Changes in license classes.
- 1602.2 All protests shall be in writing, shall be received by the Board prior to the end of the protest period, and shall state, as grounds for the protest, why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title.
- 1602.3 Protests submitted by the ANC or a community or civic association, shall be signed by the presiding officer or any other authorized person in accordance with the entity's bylaws or other governing documents. The protest shall state the name and position of the designated representative who shall receive correspondence from the Board on behalf of the ANC or the community or civic association.
- 1602.4 Protests submitted by abutting property owners, protestant groups of five (5) or more residents or property owners, or a group of three (3) or more residents located in a moratorium zone, of the District sharing common ground shall be signed by all of the protestants and shall contain each protestant's full printed name, e-mail address, if any, and mailing address. The protest shall identify a designated representative(s) who shall represent the protestant group and receive correspondence from the Board on the protestant group's behalf.
- 1602.5 For purposes of § 1602.3, electronic signatures on protest letters are permitted.

1602.6 The Board may require protestants to appear in person before the Board for the purpose of determining that a sufficient number of individuals exist to have standing pursuant to D.C. Official Code § 25-601.

Section 1605, PARTY STANDING OF A GROUP OF FIVE OR MORE RESIDENTS OR PROPERTY OWNERS, is amended by amending § 1605.2 and 1605.3 in their entirety, and by adding a new § 1605.4 to read as follows:

1605.2 Members of a protestant group of five (5) or more residents or property owners, or a protestant group of three (3) or more residents located in a moratorium zone, may submit written statements of designation of representation.

1605.3 A member of a protestant group of five (5) or more residents or property owners, or a protestant group of three (3) or more residents or property owners located in a moratorium zone, may be represented by a designated representative before the Board once the protestant group has been granted standing.

1605.4 A group of five (5) or more residents or property owners, or three (3) or more residents or property owners located in a moratorium zone, will be defined by the members set forth in the protest petition.

Section 1610, SETTLEMENT AGREEMENTS, is amended by amending § 1610.3 in its entirety to read as follows:

1610.3 A properly filed request to unilaterally terminate or amend a settlement agreement shall be considered by the Board pursuant to the substantial change and notice procedures set forth in D.C. Official Code §§ 25-404 and 25-762.

Section 1612, PROTEST HEARINGS, is amended by striking the phrase, “cross-examine the applicant’s witnesses”, and inserting the phrase, “and to examine and cross-examine witnesses”, in § 1612.8, so that the entire subsection reads as follows:

1612.8 In any case where there is more than one (1) protestant, the Board, in its discretion, may request that the protestants designate one (1) person to conduct the protestant’s case, to give opening and closing statements, and to examine and cross-examine witnesses.

Section 1616, FACT-FINDING HEARINGS, is amended in its entirety to read as follows:

1616 FACT FINDING HEARINGS

1616.1 Prior to rendering a final decision on a licensing request or an ABRA Investigative Report, the Board may hold a non-evidentiary fact finding hearing to obtain further information from an applicant, licensee, witness, government official, or any other member of the public with the permission of the Board.

- 1616.2 A licensee shall not be fined or have its license suspended or revoked at an uncontested fact-finding hearing.
- 1616.3 Information provided at a fact finding hearing may result in the issuance of a show case notice pursuant to § 1611 or other enforcement action permitted under the Act or this title. The fact-finding hearing may also result in the Board initiating an action to deny, modify, place conditions, or approve an application, as well as any other action authorized by this title.
- 1616.4 At any time, in its discretion, the Board may limit or exclude the submission of evidence, statements, and testimony at the hearing.
- 1616.5 All fact-finding hearings shall be open to the public.
- 1616.6 Notwithstanding § 1616.5, a fact finding hearing may be closed to the public:
 - (a) For purposes of receiving testimony, discussing, or deliberating upon the criminal background of an applicant for a solicitor’s or ABC manager’s license; or
 - (b) Where closure is required by section 405 of the District of Columbia Administrative Procedure Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575).

Chapter 17, PROCEDURAL REQUIREMENTS FOR BOARD HEARINGS, is amended as follows:

Section 1703, SERVICE OF PAPERS, is amended by amending § 1703.5(b), and § 1703.8 in its entirety, to read as follows:

- 1703.5
- ...
- (b) Leaving the paper at the licensed premises with the owner, ABC Manager, or other employee of the establishment;
- 1703.8 Service shall also be deemed proper upon a showing that the party actually received delivery of the notice or paper, irrespective of the delivery method.

Section 1706, APPEARANCE AND REPRESENTATION, is amended in its entirety to read as follows:

1706 APPEARANCE AND REPRESENTATION

- 1706.1 An individual may represent himself or herself in any proceeding before the Board.

- 1706.2 An attorney may represent any party before the Board by submitting a Notice of Appearance or completing ABRA's Attorney/Representative Designation Form to the Board.
- 1706.3 In addition to these regulations, the District of Columbia Rules of Professional Conduct shall govern the conduct of all attorneys appearing before the Board.
- 1706.4 A non-lawyer representative may represent any party before the Board by submitting a written consent of the party or ABRA's Attorney/Representative Designation Form to the Board.
- 1706.5 An authorized officer, director, partner, or employee may represent a corporation, partnership, limited partnership, or other legal entity before the Board. Parties appearing before the Board pursuant to this section may be required to demonstrate that authority.
- 1706.6 Any party appearing before the Board in any proceeding may bring an interpreter of his or her choice.
- 1706.7 If it appears to the Board that the facts of issues in a matter before it are so intricate or involved that, in the interests of justice, of conserving time, or of facilitating preparation of an adequate record, a party ought to be represented by an attorney, the Board may urge the party to obtain counsel and shall allow the party a reasonable time, not to exceed fourteen (14) calendar days, to do so, as long as the rights of the other parties to the hearing are not substantially and adversely affected.
- 1706.8 Any person authorized to appear pursuant to this section may sign any paper required or permitted by statute, regulation, or this chapter to be filed with the Board.

Section 1707, NOTICE OF APPEARANCE, is amended in its entirety to read as follows:

1707 NOTICE OF APPEARANCE

- 1707.1 A non-lawyer representative shall submit a signed statement containing that person's name, address, e-mail address, telephone number, and the nature of the representation, or ABRA's Attorney/Representative Designation Form prior to appearing before the Board.
- 1707.2 The written statement or the Attorney/Representative Designation Form required under § 1707.1 shall be made a part of the Board's record of the proceeding and shall be served on all parties to the proceeding.

- 1707.3 Any attorney appearing as counsel in any proceeding shall submit a Notice of Appearance containing his or her name, e-mail address, office address, office telephone number, D.C. Bar number, and nature of the representation or ABRA's Attorney/Representative Designation Form to the Board.
- 1707.4 In the case of law students who appear before the Board under the direction of an accredited law school clinical program, the supervising attorney shall register with the Board.

Section 1708, INSPECTION OF BOARD FILES, is amended by amending § 1708.1 in its entirety, to read as follows:

- 1708.1 The records of the Board shall be available for inspection and copying as soon as practicable, but no longer than three (3) business days from the date that the request is made by any interested party or member of the public, except as otherwise provided in this section.

Section 1709, INVESTIGATOR REPORTS, is amended in its entirety to read as follows:

- 1709.1 All applications scheduled for a protest hearing shall be assigned for investigation by the Board and the investigator report shall be considered part of the Board's protest hearing record.
- 1709.2 The Board shall make investigator report available to the parties of a contested case at least two (2) days prior to the date of the protest hearing or catered site protest hearing.

Section 1714, EXAMINATION OF WITNESSES, is amended by renumbering existing § 1714.2 through 1714.5 as § 1714.3 through 1714.6.

Section 1714 is further amended by amending § 1714.1 in its entirety, and adding a new § 1714.2 to read as follows:

- 1714.1 In any proceeding before the Board, each party shall have the right to present in person or by counsel or designated representative, the party's case or defense, including oral and documentary evidence, to submit rebuttal evidence, and to cross-examine witnesses, unless the matter at issues has been dismissed by the Board.
- 1714.2 In a protest hearing in which there is more than one (1) protest, and the Board has required the protestants to designate one (1) person to conduct the protestant's case pursuant to § 1612.8, the designated individual shall present the protestant's case, give the opening and closing statements, and examine and cross-examine witnesses on behalf of the protestants.

Section 1717, POST-HEARING SUBMISSIONS, is amended by amending § 1717.6 in its entirety to read as follows:

1717.6 Proposed Findings of Fact and Conclusions of Law shall be limited to the record and shall include new legal issues that were not raised during the hearing.

Section 1719, RECONSIDERATION, REHEARING, AND REARGUMENT, is amended in its entirety to read as follows:

1719 RECONSIDERATION, REHEARING, REARGUMENT, AND STAY

1719.1 A motion for reconsideration, rehearing, reargument, or stay of a decision or order of the Board filed pursuant to D.C. Official Code § 25-433(d) shall be filed with the Board, and a copy shall be served on each party and intervenor.

1719.2 A motion for reconsideration shall state briefly the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought.

1719.3 If a motion is based in whole or in part on a new matter, that new matter shall be set forth in the motion stating that the petitioner could not by due diligence have known or discovered the new matter prior to the date the case was presented to the Board for a decision.

1719.4 The Board may, in its discretion, permit or require oral argument upon a motion filed under this section.

Section 1722, PROTEST INFORMATION FORMS is amended in its entirety to read as follows:

1722 PROTEST INFORMATION FORMS AND EXHIBIT FORMS

1722.1 All parties to a protest hearing shall file a Protest Information Form (PIF) and an Exhibit Form.

1722.2 The PIF shall identify the following specific items:

- (a) Agreements made by the parties as to any protest issues which limit the issues for hearing to those not disposed of or resolved by mediation;
- (b) Unresolved issues that remain the subject of the protest hearing;
- (c) Witnesses who are expected to testify;
- (d) Exhibits the party intends to offer into evidence, the completed Exhibit Form, and copies of the exhibits;

- (e) List of material facts or the contents or authenticity of any document to which the parties have agreed to stipulate; and
 - (f) The relief sought.
- 1722.3 The PIF must be signed by the party’s representative or by the party if the party is proceeding *pro se*.
- 1722.4 The exhibit form shall list each of the exhibits the party intends to introduce at the protest hearing, along with copies of the exhibits.
- 1722.5 The PIF shall contain a copy of the résumé for any witnesses for whom a party intends to call as an expert.
- 1722.6 The Board may exclude at the hearing any witnesses or exhibits not disclosed on the PIF or the Exhibit Form if the Board finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.
- 1722.7 The Board shall have the discretion to receive documentary evidence from the parties not already listed or attached to the PIF or the Exhibit Form upon a finding of good cause.
- 1722.8 The PIF and Exhibit Form and any attachments shall be served on all parties and ABRA’s Office of General Counsel seven (7) calendar days prior to the hearing.
- 1722.9 The Board may allow a party to submit their PIF and Exhibit Form, or amend their PIF and Exhibit Form, after the submission deadline set forth in § 1722.8 for good cause.
- 1722.10 Failure to file a PIF and Exhibit Form pursuant to this section may result in the exclusion of evidence, the dismissal of the license application or protest, unless in the discretion of the Board, good cause is shown for the party’s failure to file.

Chapter 18, PETITION PROCEDURES, is amended as follows:

Section 1801, PROTEST PETITIONS, is repealed.

Chapter 19, COMPLAINTS: INQUIRIES TO THE BOARD, is amended as follows:

Section 1903, DECLARATORY ORDERS, is amended by striking the term, “voluntary”, and inserting the term, “settlement”, in § 1903.1 so that the subsection reads as follows:

- 1903.1 Any licensee or applicant for a license may make a written request to the Board to issue a declaratory order, as provided in D.C. Official Code § 2-508, regarding the applicability of Title 25 of the D.C. Official Code, this title, or any other statute

enforceable by the Board, to terminate a controversy other than a contested case or to remove uncertainty regarding a specific factual situation. Any request filed with the Board that involves an existing settlement agreement shall be considered a contested case by the Board and not subject to the issuance of a declaratory order.

Chapter 20, CATERER'S LICENSE, is amended as follows:

Section 2005, MANAGER ATTENDANCE AT CATERED EVENTS, is amended in its entirety to read as follows:

2005 MANAGER ATTENDANCE AT CATERED EVENTS

- 2005.1 Either the holder of a caterer's license or a designated manager shall remain on the premises for the duration of the catered event.
- 2005.2 The holder of a caterer's license, or the designated manager, shall keep a copy of the caterer's license on his or her person during the catered event and make it available for inspection by an ABRA investigator upon request.

Section 2006, CATERERS' REPORT, is amended by amending § 2006.1 in its entirety to read as follows:

- 2006.1 Licensees subject to this section shall, semiannually, furnish to the Board, on a form to be prescribed by the Board, a report that includes the following information:
- (a) The quantity of alcoholic beverages sold by the licensee in gallons during the preceding six (6) months for beverage purposes;
 - (b) The total dollar amount of receipts for the sale of alcoholic beverages and food;
 - (c) Of the total in paragraph (b) above, the amount received for the sale of alcoholic beverages and the amount received for the sale of food, and the percentages of the total receipts represented by the respective amounts;
 - (d) The amount expended for alcoholic beverages and the amount expended for food, and the percentages of the total expenditures represented by the respective amounts;
 - (e) The method used to compute the amounts and percentages; and
 - (f) A statement executed by an individual licensee, partner of an applicant partnership, or the appropriate officer of an applicant corporation, attesting to the truth of the statement.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of the amendments to Chapter 5 (Voter Registration), and Chapter 7 (Election Procedures), of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to the aforementioned chapters is to place them into conformity with the General Elections Preparation Emergency Amendment Act of 2020, clarify that cameras may be used in voting and counting locations as long as they do not disrupt or interfere with the election administration process, and establish that requests for absentee ballots must be received by the 15th day before Election Day.

A Notice of Emergency and Proposed Rulemaking with respect to this rulemaking was published in the *D.C. Register* on September 11, 2020 at 67 DCR 10977. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed.

The Board adopted these rules as final at a regular meeting on Wednesday, December 2, 2020. These final rules will become effective immediately upon publication of this notice in the *D.C. Register*.

Chapter 5, VOTER REGISTRATION, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 500.2 of Section 500, GENERAL REQUIREMENTS FOR VOTER REGISTRATION, is amended to read as follows:

500.2 A person is a “qualified elector” if they:

- (a) For a primary election, are at least seventeen (17) years of age and will be eighteen (18) on or before the next general election, or for a general or special election, are at least eighteen (18) years of age on or before the date of the general or special election;
- (b) Are a citizen of the United States;
- (c) [REPEALED];
- (d) Have maintained a residence in the District for at least thirty (30) days preceding the next election and do not claim voting residence or the right to vote in any state or territory; and

- (e) Have not been adjudged legally incompetent to vote by a court of competent jurisdiction.

Subsection 500.3 is amended to read as follows:

500.3 [REPEALED]

Subsection 520.1 of Section 520, CANCELLATION OF VOTER REGISTRATION: GENERAL GROUNDS AND PROCEDURES, is amended to read as follows:

520.1 The grounds for cancellation of registration by the Board shall be the following:

- (a) Death of the voter;
- (b) Change in residence from the District of Columbia;
- (c) Signed authorization from a voter, or written notification from the voter that they are not a qualified elector;
- (d) [REPEALED];
- (e) Successful challenge to voter registration;
- (f) Falsification of information on the voter registration application;
- (g) Declaration of mental incompetence by a court of competent jurisdiction; and
- (h) In the case of a registrant whose registration is deemed inactive, failure to provide the Board with a current residence address in the District, in writing, or failure to vote in any election in accordance with D.C. Official Code § 1-1001.07(i)(4)(B)(2014 Repl.) by not later than the day after the date of the second general election for federal office that occurs after the date of the notice described in this section.

Chapter 7, ELECTION PROCEDURES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 706.17 of Section 706, POLL WATCHERS AND ELECTION OBSERVERS, is amended to read as follows:

706.17 No poll watcher or election observer shall, at any time, do any of the following:

- (a) Touch any official record, ballot, voting equipment, or counting form;
- (b) Interfere with the progress of the voting or counting;

- (c) Assist a voter with the act of voting;
- (d) Talk to any voter while the voter is in the process of voting, or to any counter while the count is underway; provided, that a watcher or observer may request that a ballot be referred for ruling on its validity to a representative of the Board;
- (e) In any way obstruct the election process; or
- (f) Use any video or still cameras inside voting and counting locations if such use is determined by election officials to be disruptive or to interfere with the election administration process.

Section 712, SPECIAL BALLOT APPEAL RIGHTS, is amended to read as follows:

712 SPECIAL BALLOT APPEAL RIGHTS

- 712.1 A voter's act of signing a challenged or Special Ballot Envelope shall be deemed the filing of an appeal by the voter of the refusal by the Board's Registrar of Voters to permit the voter to vote by regular ballot, and a waiver of personal notice from the Board of any denial or refusal to a later count of the challenged or Special Ballot.
- 712.2 The Board shall provide the voter, at the time of voting or after a challenge to an absentee ballot has been upheld pursuant to this chapter, with written notice that indicates the manner by which they may learn whether the Executive Director has decided to count or reject, in whole or in part, the voter's Special Ballot, and of the dates scheduled for hearings for voters whose Special Ballots are rejected to contest the Executive Director's preliminary determination if they petition to do so.
- 712.3 The Board shall enable any voter who has voted a Special Ballot to learn of the Executive Director's preliminary decision to count or reject their ballot along with the reason(s) for each decision by accessing either a dedicated section of the Board's website or a telephone service which shall be maintained during regular business hours.
- 712.4 Between the eighth (8th) day and the tenth (10th) day after the date of any election, the Board shall, upon petition of the voter, conduct a hearing for the voter to contest the Executive Director's preliminary determination to reject the voter's Special Ballot.
- 712.5 The Board shall review the information provided on the Special Ballot Envelope as well as all other available evidence pertaining to the eligibility of each voter casting a Special Ballot, and shall make a decision about whether to count or reject each special ballot.

- 712.6 At the hearing, the voter may appear and give testimony on the question of the Executive Director’s preliminary decision to reject the Special Ballot.
- 712.7 The Board shall make a final determination to either count or reject the voter’s Special Ballot no later than the day after the date of the hearing.
- 712.8 The voter may appeal an adverse decision of the Board to the Superior Court of the District of Columbia within one (1) business day after the date of the Board’s decision. The decision of the court shall be final and not appealable.

Subsection 720.5 of Section 720, ABSENTEE VOTING, is amended to read as follows:

- 720.5 A duly registered voter or qualified federal elector may submit a written request for an absentee ballot electronically, by mail, or in-person at the Board’s office. Qualified uniformed services and overseas voters may request an absentee ballot by using the Federal Post Card Application (FPCA) or the declaration accompanying a Federal Write-In Absentee Ballot (FWAB declaration). All requests for absentee ballots shall be received by the Board no later than the fifteenth (15th) day preceding the date of the election, except that requests for absentee ballots from qualified uniformed services and overseas voters may shall be received no later than the third (3rd) day preceding the date of the election.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****Z.C. CASE NO. 20-03¹****(Text Amendment to Subtitles B, C, H, K, and U, to Require Certain Ground-Floor Uses in Self-Storage Establishment)****November 19, 2020**

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

- Subtitle B, Definitions, Rules of Measurement, and Use Categories - §§ 100 and 200;
- Subtitle C, General Rules - §§ 701, 802, and 901;
- Subtitle H, Neighborhood Mixed Use (NC) Zones - § 1103;
- Subtitle K, Special Purpose Zones - §§ 415, 615, and 914; and
- Subtitle U, Use Permissions - §§ 801 and 802.

Setdown

On January 17, 2020, the Office of Planning (OP) filed a petition (Petition) requesting that the Commission consider the proposed text amendment to amend the “self-service storage establishment” use and standards, as well as to make technical changes, reorganize and renumber sections, and make terminology consistent.

At its January 27, 2020, public meeting, the Commission voted to grant’s OP’s request to set down the Petition for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General (OAG) to refine the proposed text and add any conforming language as necessary.

Public Hearing

OP filed a September 25, 2020, public hearing report (OP Hearing Report) that responded to the Commission’s questions raised at January 17, 2020, setdown meeting and proposed some revisions to the Petition’s text.²

At its October 5, 2020, public hearing, the Commission heard from OP, which testified in support of the Petition and responded to the Commission’s questions. No other person or entity testified.

¹ For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 20-23.

² OAG recommended the inclusion of the clarification of “health care” and “medical care.”

Proposed Action

At the close of the public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the Petition as proposed by the OP Hearing Report:

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

Notice of Proposed Rulemaking

The Commission published a Notice of Proposed Rulemaking (NPR) in the November 6, 2020, *D.C. Register*. (67 DCR 13145, *et seq.*)

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

National Capital Planning Commission (“NCPC”)

The Commission referred the proposed amendment to the National Capital Planning Commission (NCPC) on October 6, 2020, for the thirty- (30) day review period required by § 492 of the District Charter.

NCPC filed a November 4, 2020, report stating that NCPC had determined, pursuant to delegated authority, that the proposed amendment was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests.

Final Action***Great Weight” to the Recommendations of OP***

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

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

“Great Weight” to the Written Report of the ANCs

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

As no ANC has filed a response to the proposed text amendment, there is nothing to which the Commission can give great weight.

At its November 19, 2020, public meeting, the Commission voted to take **FINAL ACTION** to adopt the text advertised in the Notice of Proposed Rulemaking:

VOTE (November 19, 2020): 5-0-0 (Michael G. Turnbull, Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, Peter G. May to **APPROVE**)

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>.

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

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

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by correcting a reference in the definition of “Health Care Facility,” by adding a new definition of “Self-Storage Establishment,” and by modifying the definition of “Warehouse,” to read as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:
...³

Health Care Facility: A facility that meets the definition for and is licensed under the District of Columbia 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.*)

...

School, Public: A building or use within a building ...

Self-Storage Establishment: A building devoted to the storing of personal property (property other than real property) that:

- (a) Consists of a building partitioned into one (1) or more enclosed and lockable storage units at least one of which does not exceed four hundred square feet (400 sq. ft.) in area, for lease on an individual basis; and

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

- (b) Is leased on an individual basis to persons or businesses to store personal property on a self-service basis in which the lessee has control over the access and use of the self-storage space.

Service/Delivery Loading Space: An off-street space provided ...

...

Warehouse: Any building or premises where goods or chattel are stored. The term "warehouse" shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the premises or a Self-Storage Establishment.

...

Subsection 200.2 of § 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended by revising paragraph (u) to correct the reference in the definition of the Medical Care use category and by revising paragraph (z) to update to self-storage establishment use, to read as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

...

(u) Medical Care:

- (1) A use involving the on-site licensed ...
- (2) These facilities may provide ...
- (3) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use category also includes any facility that meets the definition for and is licensed under the District of Columbia 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.*); and
- (4) Exceptions: This use category does not ...

...

(y) Parks and Recreation ...

(z) Production, Distribution, and Repair:

- (1) A use involving the on-site production ...
- (2) Uses may include firms that provide centralized services ...

- (3) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, storage, self-storage establishment, ground shipping facility, or wholesale sales; and;
- (4) Exceptions: This use category does not include ...
- (aa) Residential ...

II. Amendments to Subtitle C, GENERAL RULES

Subsection 701.5 of § 701, MINIMUM VEHICLE PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is reorganized in alphabetical order to read as follows:

701.5 Except as provided for in Subtitle C § 702 ...

TABLE C § 701.5: PARKING REQUIREMENTS

Use Category	Minimum number of vehicle parking spaces
...	
Government, local	0.5 space per 1,000 sq. ft. in excess of 2,000 sq. ft. with a minimum of 1 space required; except: Public recreation and community center: 0.25 space per 1,000 sq. ft. in excess of 2,000 sq. ft. with a minimum of 1 space required; and Kiosk public library – no requirement.
Institutional, general	1.67 per 1,000 sq. ft. in excess of 5,000 sq. ft.
...	
Marine	0.5 per 1,000 sq. ft.
Medical care	1 per 1,000 sq. ft. in excess of 3,000 sq. ft., with a minimum of 1 space required.
Motor vehicle-related	2 per 1,000 sq. ft.
...	

Subsection 802.1 of § 802, MINIMUM NUMBER OF BICYCLE PARKING SPACES, of Chapter 8, BICYCLE PARKING, of Subtitle C, GENERAL RULES, is reorganized in alphabetical order to read as follows:

802.1 All residential uses with eight (8) or more dwelling units ...

TABLE C § 802.1: MINIMUM NUMBER OF BICYCLE PARKING SPACES

Use	Long-Term Spaces	Short-Term Spaces
...		
Government, local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces

Use	Long-Term Spaces	Short-Term Spaces
Institutional, general	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
...		
Marine	None	1 space for each 3,500 sq. ft.
Medical care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Motor vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
...		

Subsection 901.1 of § 901, **LOADING REQUIREMENTS**, of Chapter 9, **LOADING**, of Subtitle C, **GENERAL RULES**, is amended to substitute “Medical Care” for “Health Care” and reorganize alphabetically, to read as follows:

901.1 All buildings or structures shall be provided ...

TABLE C § 901.1: LOADING BERTHS AND SERVICE/DELIVERY SPACES

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
...	None	None
Government, local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Institutional		
...		
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Medical Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Motor vehicle-related		
...		

III. Amendments to Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES

Paragraphs (j) and (k) of §§ 1103.1 of § 1103, **MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C)**, of Chapter 11, **USE PERMISSSIONS FOR NC ZONES**, of Subtitle H, **NEIGHBORHOOD MIXED USE (NC) ZONES**, are amended to substitute “Medical Care” for “Health Care” and reordered alphabetically to read as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

...

- (i) Government, local;
- (j) Institutional, general and religious;

- (k) Medical Care;
- (l) Office, including chancery;
- ...

IV. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Paragraph (e) of § 415.1 of § 415, PROHIBITED USES IN THE HE ZONES (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, of Subtitle K, SPECIAL PURPOSE ZONES, is amended for consistency, as follows:

- 415.1 The following uses are prohibited within the HE zones ...
- ...
 - (e) Self-storage establishment;
 - ...

Paragraph (f) of § 615.1 of § 615, PROHIBITED USES (StE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is amended for consistency, as follows:

- 615.1 The following uses are prohibited within the StE zones ...
- ...
 - (f) Self-storage establishment;
 - ...

Paragraph (b) of § 916.1 of § 916, PROHIBITED USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is amended by eliminating redundant standards, as follows:

- 914.1 The following uses are prohibited in the WR zones ...
- ...
 - (c) Self-storage establishment.

V. Proposed Amendments to Subtitle U, USE PERMISSIONS

Subsection 801.1 of § 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is amended by revising paragraph (n) to correct the reference of “Health Care” to “Medical Care,” by revising paragraph (v) to include “Self-Storage Establishment,” by adding a new paragraph (y) and renumbering accordingly, and by revising new paragraph (cc) to correct the reference to “Waste incineration” to “Waste-related service uses,” to read as follows:

801.1 The following uses shall be permitted in a PDR zone ...

...

(n) Medical Care;

...

(v) Production, distribution, and repair (PDR) uses are permitted as a matter of right, subject to compliance with the Standards of External Effects in Subtitle U § 804, except for a self-storage establishment or the following prohibited uses ...

(w) Residential uses are limited to ...

(x) Retail uses ...

(y) Self-storage establishment uses shall be permitted provided they meet the following:

(1) Devote to any use permitted by this section except for Parking, Transportation Infrastructure, Utility, Waste-related service or Wholesale or storage establishment:

(A) Not less than fifty percent (50%) of the ground floor area;

(B) One hundred percent (100%) of the building's street frontage along a public street to a minimum depth of thirty feet (30 ft.) from the front facade, with the exception of space devoted to building entrances or required for fire control, office associated with the self-storage establishment use, or required by the District of Columbia Building or Fire Codes (Titles 12A and 12H DCMR); and

(2) Design the ground floor with:

(A) A minimum clear floor-to-ceiling height of fourteen feet (14 ft.), measured from the finished grade; and

(B) Not less than seventy-five percent (75%) of the surface area of the street wall associated with the preferred uses required by this paragraph at the ground floor to windows, which shall include:

(i) Clear/low emissivity glass allowing transparency to a depth of twenty feet (20 ft.) into the preferred ground level space, with bottom sills no more than

four feet (4 ft.) above the adjacent sidewalk grade;
and

(ii) Views from within the building to the street and from
the street into the building;

(z) Service uses are permitted as a matter of right ...

(aa) Transportation infrastructure;

(bb) Utility (basic) uses are permitted as a matter-of-right ...

(cc) Waste-related service uses, including for conversion to energy subject to the
Standards of External Effects in Subtitle U § 804, and the use shall not be
permitted on any lot located in whole or in part within one hundred feet (100
ft.) of a residential zone; and

(dd) Wholesale or storage establishment ...

**Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, USE
PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of
Subtitle U, USE PERMISSIONS, is amended by revising paragraphs (f) and (h), by adding
a new paragraph (i) for Self-Storage Establishment, by adding a new paragraph (j) that was
inadvertently deleted in Z.C. Case No. 19-04, and by modifying and renumbering current
paragraphs (i) and (j) as new paragraphs (k) and (l), to read as follows:**

802.1 The following uses shall be permitted in a PDR zone if approved by the Board of
Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to
the applicable conditions of each paragraph below:

...

(f) Production, distribution, and repair (PDR) uses that involve the excavation
of clay, sand, or gravel ...

(g) Repair of automobiles ...

(h) Retail, large format, subject to the following conditions:

(1) The development standards ...

...

(8) This section shall not apply to the following:

(A) Large format retail that would occupy a planned unit
development ...

- (B) Large format retail that would occupy a project with a completed review ... meeting the definition of large format retail;
- (i) Self-storage establishment uses not meeting the requirements for such uses of Subtitle U § 801.1, subject to the applicant demonstrating with documentation the following:
 - (1) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of creating an active streetscape and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;
 - (2) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located; and
 - (3) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;
 - (4) Inability to meet one or more of the requirements of Subtitle U § 801.1 for a self-storage establishment use as a result of the property's size, shape, or topography, or the configuration of an existing building on the site proposed to be converted to a self-storage establishment;
 - (5) The reduced depth of the space that could be provided is not practical for the operation of a self-storage establishment; and
 - (6) The use proposed for the ground floor provides employment as permitted within the applicable PDR zone;
- (j) Service uses not meeting the conditions for such uses of Subtitle U § 801.1 for a self-storage establishment or whose principal use is the administration of massages, subject to the following conditions:
 - (1) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and
 - (2) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:

- (A) Limitations on the hours of operation; and
- (B) Expiration on the duration of the special exception approval;
- (k) Utility (basic) uses not meeting the conditions for such uses of Subtitle U § 801.1; however, if the use is an electronic equipment facility (EEF), the Board of Zoning Adjustment shall consider:
 - (1) How the facility, as a consequence ...
 - ...
 - (5) The design appearance, landscaping, parking and other such requirements it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life; and
- (l) Waste-related service uses not permitted under Subtitle U § 801.1, but not including hazardous waste, subject to the following conditions:
 - (1) Regardless of use ...
 - ...
 - (11) The applicant shall provide credible evidence to the Board of Zoning Adjustment to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:
 - (A) An indication of the site ...
 - ...
 - (F) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including, without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (2012 Repl.)).

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on December 11, 2020.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****Z.C. CASE NO. 20-17¹****(Text Amendment – Subtitle Z of Title 11 DCMR)****(Suspension of Certain Types of Conditions of Approved Campus Plans During 2020-2021
Academic Year Due to COVID-19 Pandemic)****November 19, 2020**

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

- Subtitle Z, Zoning Commission Rules of Practice and Procedure - § 702.8.

Setdown

On July 17, 2020, the Office of Planning (OP) filed a petition to the Commission proposing this amendment to suspend certain types of conditions of approved Campus Plans and associated PUDs during the 2020-2021 academic year to avoid potential conflicts between the public health measures adopted by Mayor's Order 2020-067 in response to the COVID-19 pandemic and the universities' re-opening plans and conditions of approval of the campus plans and associated PUDs. OP requested that the Commission take emergency action and authorize immediate publication of the proposed rulemaking for the text amendment.

Emergency & Proposed Action

At its July 27, 2020, public meeting, the Commission heard testimony from OP in favor of the amendment. At the close of the meeting, the Commission voted to grant's OP's request to:

- Take emergency action to adopt the text amendment;
- Set the petition down for a public hearing;
- 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 due to accommodate the safe re-opening of universities during the COVID-19 pandemic; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

The Commission concluded that taking emergency action to adopt the proposed text amendment was necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c)

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

of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), in order to implement Mayor's Order 2020-067, which required universities located in the District to prepare reopening campus reopening plans to safely respond to the ongoing COVID-19 pandemic.

VOTE (July 27, 2020): **5-0-0** Peter G. May, Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, and Michael G. Turnbull to **APPROVE**)

First Emergency Action

The first emergency rule, effective as of the Commission's July 27, 2020 vote, was superseded by the publication of the Notice of Second Emergency and Proposed Rulemaking in the *D.C. Register*, which preceded the November 24, 2020 expiration date of the first emergency rule as the one hundred-twentieth (120th) day after the emergency adoption of the first emergency rule.

First Notice of Proposed Rulemaking

The Commission published the proposed amendment as a Notice of Emergency and Proposed Rulemaking (NOEPR) in the *D.C. Register* (67 DCR 9564) on August 7, 2020.

The Commission received six (6) comments, two (2) in the thirty (30)-day period required by § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-5050 (2016 Repl.)) and four (4) prior to the public hearing. Each of responses – four (4) of which were filed by community groups (Spring Valley/Wesley Heights Citizens Association (SVWHCA), Neighbors for a Livable Community (NLC)), and two (2) from the West End Citizens Association (WECA) for neighborhoods surrounding universities, one by an individual resident, and one from Advisory Neighborhood Commission (ANC) 3D – requested that the Commission add provisions to the proposed amendment to address concerns about the impacts of suspending the campus plan and PUD requirements by requiring the universities using these suspensions take the following actions:

- WECA – Assume responsibility for enforcing violations of COVID-19 requirements off-campus; increase the penalties for student violations off-campus; and extend universities' COVID-19 testing and quarantine requirements to off-campus students (echoed by the individual comment);
- SVWHCA – Clarify that the proposed text amendment did not change universities' enrollment limits;
- NLC – Include neighborhood liaison committees in the assessment and mitigation of changes; and
- ANC 3D – Assess the impact of changes on the neighborhoods; and take reasonable steps to mitigate any objectionable impacts.

Public Hearing

At its October 10, 2020, public hearing, the Commission heard testimony from OP in favor of the amendment that OP:

- Did not oppose adding SVWHCA's proposed revision, although OP noted that it was not necessary as the proposed text amendment does not suspend enrollment limits;

- Recommended that the Commission not adopt the additional requirements proposed by WECA, NLC, and ANC 3D because these requirements would likely conflict with, and potentially delay, the public health review by the District Department of Health (DOH) of the campus reopening plans required by Mayor's Order 2020-067, particularly NLC's proposed required coordination with neighborhood liaison committees and WECA's proposed additional testing and quarantine requirements;
- Noted that none of the campus reopening plans submitted as of the time of the public hearing proposed to utilize the suspension authorized by the proposed text amendment; and
- Noted that the proposed text amendment only applies for the 2020-2021 academic year.

The Commission also heard testimony from WECA, SVWHCA, and ANC 3D, which reiterated the concerns raised in their respective comments submitted to the record. In response to the Commission's questions, SVWHCA acknowledged that the proposed text amendment did not propose to change enrollment limits but clarified that it was concerned that the suspension of housing limits might be interpreted to impact enrollment limits. ANC 3D acknowledged that its proposed revisions were largely aspirational and intended to call attention to the potential off-campus land use and transportation impacts of the proposed text amendment.

Second Emergency and Proposed Action

At the close of its October 8, 2020, public hearing, the Commission voted to take **EMERGENCY AND PROPOSED ACTION** and to authorize the publication of a Notice of Second Emergency and Proposed Rulemaking, to completely supersede the original Notice of Emergency and Proposed Rulemaking by adding SVWHCA's proposed revision to clarify that the proposed text amendment does not change enrollment limits. The Commission also authorized a reduced notice period of seven (7) days pursuant to 1 DCMR § 309.5, because of the limited scope of the sole proposed change – to adopt SVWHCA's clarification that the proposed text amendment does not change enrollment limits – from the original proposed text and the extensive notice of that original proposed text, which had been published two-and-a-half (2.5) months prior to the Commission's action, well over the minimum thirty (30)-day notice period required by 1 DCMR § 309.3.

The Commission concluded that taking emergency action to adopt the proposed text amendment was necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), in order to implement Mayor's Order 2020-067, which required universities located in the District to prepare reopening campus re-opening plans to safely respond to the ongoing COVID-19 pandemic.

VOTE (October 8, 2020): **4-0-1** Robert E. Miller, Peter G. May, Anthony J. Hood, and Michael G. Turnbull to **APPROVE**; Peter A. Shapiro, not present, not voting)

Second Emergency Action

The second emergency rule, effective as of the Commission's October 8, 2020, vote, is superseded by the publication of this Notice of Final Rulemaking, which preceded the February 5, 2021, expiration date of the second emergency rule as the one hundred-twentieth (120th) day after the emergency adoption of the revised rule.

Second Proposed Rulemaking

The Commission published the proposed amendment, with a reduced notice period, as a Notice of Second Emergency and Proposed Rulemaking (NOSEPR) in the November 6, 2020, *D.C. Register*. (67 DCR 13164).

The Commission received only one comment, from American University, stating no objection to the Petition, as revised in NOSEPR, but noting the limited enrollment caps of the American University's 2011-2022 Campus Plan, as approved by Z.C. Order Nos. 11-07 and 11-07(2).

Final Rulemaking

"Great Weight" to the Recommendations of OP

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

The Commission finds persuasive OP's recommendation to not adopt the revisions to the proposed text amendment proposed by WECA, NLC, and ANC 3D as they are likely to conflict with DOH's public health review which falls outside of the Commission's review, and likely to delay the reopening plans required by Mayor's Order 2020-067. The Commission noted OP's non-opposition to adopting SVWHCA's proposed clarification that the proposed text amendment would not impact enrollment limits, which the Commission decided to adopt.

"Great Weight" to ANC Written Reports

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

The Commission acknowledges ANC 3D's concerns but agrees with OP's concerns that the ANC 3D's proposed revisions would likely overlap and conflict with DOH's public health review of reopening plans for colleges and universities. The Commission concludes that the ANC 3D's proposed revisions would be difficult to enforce and potentially cause confusion with DOH's public health review and therefore does not adopt ANC 3D's proposed revisions.

At its November 19, 2020 public meeting, the Commission voted to take **FINAL ACTION** to adopt the text advertised in the Notice of Proposed Rulemaking:

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**)

The complete case record 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>.

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

Amendment to Subtitle Z, GENERAL RULES

Subsection 702.8 of § 702, VALIDITY OF APPROVALS AND IMPEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is revised to read as follows:

- 702.8 In response to the ongoing 2020 public health emergency, the following conditions in orders approving Campus Plans and associated PUDs for universities shall be suspended for the 2020-2021 academic year to accommodate re-opening plans pursuant to Mayor's Order 2020-067, provided that enrollment limits shall remain unchanged and in effect:
- (a) Requirements to maintain a minimum number of on-campus beds or provide housing for a minimum percentage of students;
 - (b) Requirements that certain classes of students reside on campus;
 - (c) Limits on housing for certain classes of students to specific locations; and
 - (d) Limits on the use of classroom spaces for certain classes of students to specific locations.

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on December 11, 2020.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 19-30

Advisory Neighborhood Commission (ANC) 5D

(Zoning Map Amendment @ Squares 4494, 4495, 4506, and 4507 and Parcels 160/22 and 160/38)

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; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2013 Repl.)), hereby gives notice of its adoption of the following amendments to the Zoning Map:

- Rezone the following properties from the RA-2/MU-4¹ to the RF-4 zone (Proposed RF-4 Area):
 - Square 4494: Lots 38-55, 75-90, and 827²
 - Square 4495: Lots 2-65
 - Square 4506: Lots 88-139 and 141-163
 - Square 4507: Lots 89-101, 112-118, and 143-164
- Rezone the following properties from the RA-2/MU-4³ to the MU-5A zone (Proposed MU-5A Area):
 - Square 4506: Lots 74-75, 77-79, 81, 83-87, and 164-167⁴
 - Square 4507: Lots 1-9, 20, 119-132, 138-142, and 166-170⁵
 - Parcels 160/22 and 160/38 (southern portion below line connecting the east-west alley in Square 4506 and the northern line of Parcel 160/22)

Setdown

ANC 5D, the “affected ANC” as defined by Subtitle Z § 101.8, filed a petition pursuant to Subtitle X, Chapter 5, of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016, to which all references are made unless otherwise specified) requesting the Commission approve these proposed amendments (Map Amendment) to the Zoning Map on December 1, 2019 (Exhibits 1-3, as revised on December 11, 2019 (Exhibit 1B), on May 5, 2020 (Exhibit 17), and on September 4, 2020 (Exhibits 28-28A, collectively, the ANC Petition).

The ANC Petition asserted that the Map Amendment is not inconsistent with the CP as a whole and would balance out the downzoning to the RF-4 zone with the upzoning to the MU-5A zone to create more affordable housing and family-sized housing.

¹ The Proposed RF-4 Area includes Lots 88 and 89 in Square 4506 that are currently split-zoned RA-2/MU-4 (all others are currently zoned RA-2).

² In Square 4495, Record Lots 83 and 84 are known for assessment and taxation (A&T) purposes as A&T Lot 843.

³ The Proposed MU-5A Area includes Lots 127-132, 138-142, and 166-170 in Square 4507 that are currently in the RA-2 zone (all others are currently zoned MU-4).

⁴ In Square 4506, the following Record Lots are known as the following A&T Lots: 74 = 803, 75 = 805, 77 = 809, 78 = 811, 79 = 813, 81 = 817, 83 = 821, and 84 = 823.

⁵ In Square 4507, the following Record Lots are known as the following A&T Lots: 1-3 = 938, 4-5 = 940, 6-8 = 935, 9 and 20 = 937, 122 = 943, and 124 = 944.

Proposed RF-4 Area

The Proposed RF-4 Area includes approximately 13.5 acres of land between 18th and 21st Streets, N.E., on both sides of H Street, N.E., and is characterized by two-story residential rowhouses.

The Comprehensive Plan (10A DCMR, the CP) designates the Proposed RF-4 Area on the General Policy Map (GPM) as a Neighborhood Conservation Area, which the CP describes as generally residential neighborhoods with little vacant or underutilized land in which new development, redevelopment and alterations should be compatible with the existing scale, natural features, and character of the neighborhood, which should be conserved and enhanced, but not preclude development, particularly that which addresses city-wide housing needs (CP §§ 225.4-225.5).

The CP's Future Land Use Map (FLUM) designates the Proposed RF-4 Area, except for Lot 66 in Square 4495, for Moderate Density Residential uses, which the CP contemplates for neighborhoods with single-family houses, two- to four-unit buildings, row houses, low-rise garden apartment apartments. The CP calls for a density of up to a 1.8 floor area ratio (FAR), although greater density may be possible for developments complying with Inclusionary Zoning (IZ) or when approved through a Planned Unit Development (PUD). The CP identified both the current RA-2 and the proposed RF-4 zones as consistent with the Moderate Density Residential category (CP §§ 227.6).

Lot 66 in Square 4495 has a Medium Density Residential FLUM designation, which the CP contemplates for neighborhoods composed generally of mid-rise apartment buildings, although pockets of low or moderate density housing may be included, with density typically ranging from 1.8 to 4.0 FAR, although greater density may be possible for IZ developments or PUDs. The CP identifies the RA-3 zone as consistent with Medium Density Residential uses, although other zones may also be consistent (CP §§ 227.7).

The current RA-2 zone of most of the Proposed RF-4 Area is intended to provide for areas developed with predominantly moderate-density residential. The RA-2 zone has:

- No limits on the number of residential units;
- No minimum lot dimensions;
- A maximum building height of fifty feet (50 ft.);
- A maximum lot occupancy of sixty percent (60%); and
- A maximum FAR of 1.8 (2.16 for IZ developments).

The current MU-4 zoning of a small portion (Lots 88 and 89 in Square 4506 and Lots 127-132, 138-142, and 166-70) of the Proposed RF-4 Area is intended to provide for moderate-density mixed-use development providing office, retail, and housing facilities in low- and moderate-density residential areas with access to main roadways or transit stops. The MU-4 zone has:

- A maximum height of fifty feet (50 ft.);
- A maximum lot occupancy for residential use of sixty percent (60%) (seventy-five percent [75%] for IZ developments); and
- A maximum FAR of 2.5 (3.0 for IZ developments), with a maximum 1.5 non-residential FAR.

The proposed RF-4 zone is intended to provide for areas predominantly developed with row houses of three (3) or more stories, within which may also exist a mix of apartment buildings, and to promote the continued row house character and appearance of these areas as well as the residential use of larger row house buildings. The RF-4 zone has:

- A maximum of three residential units per lot;
- A minimum lot area of one thousand eight hundred square feet (1,800 sq. ft.) for row dwellings or flats, three thousand square feet (3,000 sq. ft.) for semi-detached dwellings, and four thousand square feet (4,000 sq. ft.) for all other structures (one thousand five hundred square feet [1,500 sq. ft.] for IZ developments);
- A minimum lot width of eighteen feet (18 ft.) for row dwellings or flats, thirty feet (30 ft.) for semi-detached dwellings, and forty feet (40 ft.) for all other structures (eighteen feet [18 ft.] for IZ developments);
- A maximum building height of three (3) stories and forty feet (40 ft.);
- A maximum lot occupancy of sixty percent (60%); and
- A maximum FAR of 1.8.

Proposed MU-5A Area

The Proposed MU-5A Area includes approximately 4.3 acres of land on the north side of Benning Road, N.E. between 17th and 21st Streets, N.E. and is characterized by a variety of two (2)- and three (3)-story residential rowhouses, three-story mixed-use buildings, low-rise retail uses, a gas station, and a decommissioned power plant.

The GPM designates the western fourth of the Proposed MU-5A Area (Lots 127-132, 138-142, and 166-170 in Square 4507) as a Neighborhood Conservation Area, with the remainder designated as a Main Street Mixed Used Corridor, which the CP describes as pedestrian oriented commercial business corridors with traditional storefronts, with upper-story residential or office uses. (CP §§ 225.14) The FLUM designates the eastern fourth (Parcels 160/22 and 160/38) designated for Medium Density Residential uses, with the remainder designated for Moderate Density Residential uses. Although the definitions of the Moderate and Medium Density Residential use categories do not specifically identify the current MU-4 or proposed MU-5A zones as consistent with these use categories, both categories specify that other zones may apply.

The current MU-4 zoning of the Proposed MU-5A Area is intended to provide for moderate-density mixed-use development providing office, retail, and housing facilities in low- and moderate-density residential areas with access to main roadways or transit stops. The MU-4 zone has:

- A maximum height of fifty feet (50 ft.);
- A maximum lot occupancy for residential use of sixty percent (60%) (seventy-five percent [75%] for IZ developments); and
- A maximum FAR of 2.5 (3.0 for IZ developments), with a maximum 1.5 non-residential FAR.

The proposed MU-5A zoning is intended to provide for medium-density mixed-use development with an emphasis on residential use providing office, retail, and housing facilities on arterial streets and rapid transit stops. The MU-5A zone has:

- A maximum height of sixty-five feet (65 ft.) (seventy feet [70 ft.] for IZ developments);
- A maximum lot occupancy for residential use of eighty percent (80%); and

- A maximum FAR of 3.5 (4.2 for IZ developments), with a maximum 1.5 non-residential FAR.

OP Setdown Report

The Office of Planning (OP) filed an April 14, 2020 report (OP Setdown Report) recommending that the Commission setdown the ANC Petition for a public hearing. The OP Setdown Report concluded that the Map Amendment - except for Lot 66 in Square 4495 - would not be inconsistent with the CP because:

- The proposed RF-4 zoning would not be inconsistent with the GPM's Neighborhood Conservation Area designation because it would maintain the current neighborhood character while allowing smaller apartment houses and would not be inconsistent with the FLUM's designations of Moderate Density Residential designation for most of the Proposed RF-4 Area and Medium Density Residential for the remainder.
- The proposed MU-5A zoning would align with the GPM's Main Street Mixed-Use Corridor designation for most of the Proposed MU-5A Area, with the CP's Upper Northeast Area Element and Small Area Plan, with the FLUM's Medium Density Residential designation for the eastern fourth of the Proposed MU-5A Area, and with the historic and current uses of the Proposed MU-5A Area as a mixed-use neighborhood commercial corridor. OP concluded that this alignment with these CP policies and maps together outweigh the GPM's Neighborhood Conservation Area designation of the western fourth and the FLUM's Moderate Density Residential designation of the western three-quarters with its lower density framework so that the proposed MU-5A zoning is not inconsistent with the CP as a whole.
- OP expressed a concern with the proposed inclusion of Lot 66 in Square 4495 in the Proposed MU-5A Area because of its Moderate Density Residential FLUM designation that calls for a higher density than allowed under the RF-4 zone.

At its April 27, 2020, public meeting, the Commission heard testimony from OP in support of the Map Amendment and voted to set it down for a public hearing. The Commission approved a revised setdown to add Lot 827 in Square 4494 to the Proposed RF-4 Area at its May 11, 2020, public meeting.

Public Hearing

DDOT Report

The District Department of Transportation (DDOT) issued an August 28, 2020, report that determined that the Map Amendment would have a minimal impact on the transportation network and the Proposed MU-5A Area's increased density is consistent with DDOT's approach to support adjacent transit and businesses with increased foot traffic.

OP Hearing Report

OP submitted a September 4, 2020, Hearing Report that reiterated OP's recommendation to approve the Map Amendment but with the exclusion of Lot 66 in Square 4495.

The Commission received several written comments opposing the Map Amendment's proposed downzoning of the Proposed RF-4 Area because it would limit the supply of housing needed to reduce the affordable housing crisis.

At its September 17, 2010, public hearing, the Commission heard testimony from ANC 5D and OP, which emphasized the complementary nature of the Map Amendment's proposed upzoning and downzoning that would further the Mayor's initiative to create an additional thirty-six thousand (36,000) new housing units by 2025 including twelve thousand (12,000) affordable housing units. In response to questions from the Commission, OP repeated its recommendation to remove Lot 66 in Square 4495 because its current RA-2 zoning, but not the proposed RF-4 zoning, matched its FLUM Medium Density Residential designation. The Commission also heard public testimony from supporters and opponents of the Map Amendment, with most opponents criticizing the proposed downzoning of the Proposed RF-4 Area and one opposing the proposed upzoning of the Proposed MU-5A Area.

Proposed Action

OP Supplemental Report

OP submitted an October 5, 2020, Supplemental Report in response to the Commission's request reporting that the Proposed RF-4 Area includes five existing apartment houses with four or more dwelling units - including the apartment house on Lot 66 in Square 4495 that OP recommended be excluded from the Map Amendment - as well as two existing buildings in the process of being converted to apartment houses with four or more dwelling units. OP's Supplemental Report reiterated OP's recommendation to approve the Map Amendment with the exclusion of Lot 66 in Square 4495.

"Great Weight" to the Recommendations of OP

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

The Commission finds OP's recommendation that the Commission take proposed action to adopt the Map Amendment, provided that Lot 66 in Square 4495 is removed, persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANCs

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

The Commission finds persuasive the ANC Petition's concern to increase the supply of affordable housing by focusing density along Benning Road, N.E., and encouraging family-sized units in the Proposed RF-4 Area and concurs with the ANC Report's support of the Map Amendment as

addressing these concerns except for Lot 66 in Square 4495, which the Commission concurs with OP’s recommendation to leave it in its current RA-2 zone as more consistent with its Medium Density Residential FLUM designation.

At its October 15, 2020, public meeting, the Commission voted to take **PROPOSED ACTION** to adopt the Map Amendment, as modified by OP’s recommendation to exclude Lot 66 in Square 4495, and to authorize the publication of a Notice of Proposed Rulemaking:

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

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>.

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 e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

PROPOSED MAP AMENDMENT

SQUARE	LOTS	CURRENT ZONE	NEW ZONE
4494	38-55, 75-90, & 827 ⁶	RA-2	RF-4
4495	2-65	RA-2	
4506	88-89	RA-2/MU-4	
	90-139 and 141-163	RA-2	
4507	89-101, 112-118, and 143-164	RA-2	
4506	74-75, 77-79, 81, 83-87 164-167 ⁷	MU-4	MU-5A
4507	1-9, 20, & 119-126 ⁸	MU-4	
	127-132, 138-142, & 166-170	RA-2	
Parcels 160/22 and 160/38 (southern portion)		MU-4	

⁶ In Square 4495, Record Lots 83 and 84 are known as A&T Lot 843.

⁷ In Square 4506, the following Record Lots are known as A&T Lots as follows: 74 = 803, 75 = 805, 77 = 809, 78 = 811, 79 = 813, 81 = 817, 83 = 821, and 84 = 823.

⁸ In Square 4507, the following Record Lots are known as A&T Lots as follows: 1-3 = 938, 4-5 = 940, 6-8 = 935, 9 & 20 = 937, 122 = 943, and 124 = 944.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING****Z.C. CASE NO. 20-20****Office of Planning****(Text Amendment to Subtitles I and U for Animal Care and Animal Sales Requirements)**

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

- Subtitle I, Downtown (D) Zones - §§ 302, 303
- Subtitle U, Use Permissions - §§ 507, 508, 510, 512, 513, 515, 516, 517, 518, & 519

Setdown

On September 4, 2020, the Office of Planning (OP) filed a petition (Petition) to the Commission proposing to revisions in order to:

- Permit Animal Care and Animal Sales uses within mixed-use buildings by special exception without current requirement that such uses are separated from residential uses by one floor of non-residential uses;
- Correct Animal Care uses missing from Z.C. Case Nos. 05-21A and 14-10; and
- Allow Pet Grooming Establishment uses with no boarding or overnight stays permissible as a matter-of-right use for MU-Use Groups C through G.

At its September 14, 2020, public meeting, the Commission voted to grant OP's request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

Public Hearing

The Commission received one public comment, which supported the Petition.

OP filed a November 20, 2020 report proposing technical changes to the Petition, including applying the changes to the Downtown Zones.

At its November 30, 2020 public hearing, the Commission heard testimony from OP in support of the Petition. One member of the public also testified in support of the Petition.

“Great Weight” to the Recommendations of OP

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

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

“Great Weight” to the Written Report of the ANCs

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

As no ANC has filed a report in response to the Petition, there is nothing to which the Commission can give “great weight.”

Proposed Action

At the close of its November 30, 2020, public hearing, the Commission voted to take **PROPOSED ACTION** to grant the Petition, as modified per the Commission’s request to make soundproofing requirements consistent, to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (November 30, 2020): 5-0-0 (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

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 e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register*.

The complete record in the case can be viewed online through 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 I, DOWNTOWN (D) ZONES

Subsection 302.2 of § 302, USES PERMITTED AS A MATTER OF RIGHT, of Chapter 3, GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS, of Subtitle I, DOWNTOWN (D) ZONES, is proposed to be revised to add new paragraphs (e) and (g) and renumber alphabetically, and to update cross-references, to read as follows:

302.2 The following uses shall be permitted as a matter of right, subject to **the applicable** conditions:

- ~~(f)~~ **(a)** Financial Services in all zones except for ...
- ~~(a)~~ **(b)** Firearms sales, in all zones other than the D-1-R zone, subject to the conditions ~~listed~~ **applicable to those uses** in Subtitle U § 512.1~~(f)~~**(h)**;
- ~~(b)~~ **(c)** Massage administration in any establishment ...
- ~~(d)~~ **(c)** Motor vehicle-related uses in all zones except for the D-1-R and ...
- ~~(e)~~ **(d)** Motorcycle sales and repair, in all zones except for the D-1-R, D-2, and D-4 zones, subject to the conditions in Subtitle U § 515.1~~(i)~~**(k)**;
- (e)** **Pet grooming establishment, in any D zone except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle I § 608;**
- ~~(e)~~ **(f)** Production, distribution, and repair uses ...
- (g)** **Except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle I § 608, veterinary office or veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business.**

Subsection 303.1 of § 303, USES PERMITTED BY SPECIAL EXCEPTION, of Chapter 3, GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS, of Subtitle I,

DOWNTOWN (D) ZONES, is proposed to be revised renumber alphabetically and update cross-references, to read as follows:

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

- (a) ~~Animal~~ **Unless otherwise permitted as a matter of right, animal** care and boarding uses, ~~pet grooming establishments~~, and pet shops in any D zone except for the D-1-R zone and the portions of the D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle § 608, subject to the conditions **applicable to those uses in Subtitle U § 513.1(a)** and:
- (1) If animal boarding is provided ...
- ...
- (c) Large scale government uses;
- ~~(f)~~ **(d)** Motor vehicle sales not meeting the conditions in Subtitle I § 302.2(d) in any D zone ...
- (e) Motorcycle sales and repair in the D-4 zone, subject to the conditions **applicable to those uses** in Subtitle U § ~~511.1(i)~~ **515.1(k)**, except that sufficient parking shall be provided for employees and customers;
- ~~(h)~~ **(f)** Retail services, general, in the D-2 zone, provided the uses shall be located on or below the ground floor of the building; ~~and~~
- ~~(d)~~ **(g)** Large format retail uses subject to the conditions in Subtitle U § 511.1(j), except that sufficient parking shall be provided for employees and customers;
- ~~(g)~~ **(h)** Sexually-oriented business establishment uses in any D zone other than the D-1-R zone, subject to the following additional conditions:
- (1) The use shall not be located ...
- ...
- (4) The use shall not have an adverse impact on education, institutional, or government uses in the area; ~~and~~
- (i) Veterinary offices, **veterinary hospitals**, or veterinary boarding hospitals, subject to the conditions **applicable to those uses** in Subtitle U §§ **512.1 and 513.1** in any D zones except for the D-1-R zone and the portions of the

D-7 zone within the boundaries of the Pennsylvania Avenue Sub-Area defined in Subtitle I § 608.

II. Proposed Amendment to Subtitle U, USES PERMISSIONS

Subsection 507.1 of § 507, MATTER-OF-RIGHT USES (MU-USE GROUP C), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new subparagraph (15) to paragraph (a) and reordering the paragraphs, to read as follows:

507.1 In addition to the uses permitted by Subtitle U § 501, the following uses shall be permitted in MU Use Group C as a matter of right subject to any applicable conditions:

(a) Any use within the following use categories:

(1) Agricultural ...¹

...

(14) Parks and recreation;

(15) Pet grooming establishment;

~~(15)~~ **(16)** Retail;

~~(16)~~ **(17)** Service uses, both financial and general; and

~~(17)~~ **(18)** Theater, either private or public, for the purpose of entertainment, assembly, and performing arts; and

(b) ~~Other accessory~~ **Accessory** uses customarily incidental ...

Subsection 508.1 of § 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by revising current paragraph (k), Veterinary office, and reordering the paragraphs alphabetically, to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

- (~~h~~) **(a)** Any use permitted as a matter of right in MU-Use Group C that does not comply with the required conditions for MU-Use Group C may apply for permission as a special exception, except for a drive-through operation as a principal or accessory use;
- (~~a~~) **(b)** College or university use that is an academic institution ...
- (~~b~~) **(c)** Community-based institutional facilities ...
- (~~e~~) **(d)** Education (private) uses ...
- (~~d~~) **(e)** Emergency shelter ...
- (~~e~~) **(f)** Entertainment, assembly, and performing arts uses ...
- (~~f~~) **(g)** Medical care uses ...
- (~~g~~) **(h)** Miscellaneous uses ...
- (~~h~~) **(i)** Parking subject to a temporary surface parking lot ...
- (~~i~~) **(j)** Production, distribution, and repair uses ...
- (~~j~~) **(k)** Utility uses, subject to the following conditions:
- (1) Any requirements for setbacks, screening, or other safeguards that the Board of Zoning Adjustment deems necessary for the protection of the neighborhood; and
 - (2) Any new construction of a freestanding structure for use as an optical transmission node shall be built to appear compatible with surrounding construction, including exterior building material, fenestration, and landscaping, and there shall be no advertisement on the structure; **and**
- (~~k~~) **(l)** Veterinary office, **veterinary** hospital, or **veterinary** boarding hospital subject to the following conditions:
- (1) A veterinary **office, veterinary** hospital, or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to **§ 9(j) of the Animal Control Act of 1970 (D.C. Law 3-30, as amended; D.C. Official Code § 8-1808(j))**;

- (2) No more than fifty percent (50%) of the gross floor area of the veterinary office, veterinary hospital, or veterinary boarding hospital may be devoted to the boarding of animals;
- (3) The veterinary office, veterinary hospital, or veterinary boarding hospital shall be located and designated to create no objectionable conditions to building residents or tenants, or to adjacent properties resulting from animal noise, odor, or waste;
- (4) The veterinary office, veterinary hospital, or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:
 - (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary office, veterinary hospital, or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; ~~and~~
- (6) Pet grooming; ~~and~~ the sale of pet supplies; ~~and incidental boarding of animals as necessary for convalescence~~; are permitted as accessory uses; and
- (7) The Board may waive or modify the condition of this paragraph upon a determination that there will be no adverse impacts to

building residents or tenants, or to adjacent properties resulting from the waiver or modification.

Subsection 510.1 of § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new paragraph (v), Pet grooming establishment, and reordering the paragraphs, to read as follows:

510.1 The following uses shall be permitted in the MU-Use Group D as a matter-of-right subject to any applicable conditions:

(a) Any use permitted as matter of right in any R, RF, or RA zone, and any use permitted as a matter of right for MU-Use Group A;

...

(u) Parks and recreation;

(v) Pet grooming establishment;

~~(v)~~ **(w)** Retail, except for large format retail;

~~(w)~~ **(x)** Service uses, both financial and general subject to the following limitations:

(1) The uses do not involve installation of automobile accessories; ~~and~~

(2) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and

(3) ~~An~~ indoor storage facility not exceeding twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and

~~(x)~~ **(y)** ~~Other accessory~~ **Accessory** uses customarily incidental and subordinate to the uses permitted by this section.

Subsection 512.1 of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by revising paragraph (a), by adding a new paragraph (m), Veterinary hospital, and by revising paragraph (m) and renumbering it as paragraph (n)², to read as follows:

512.1 The following uses shall be permitted in the MU-Use Group E as a matter-of-right subject to any applicable conditions:

² The alphabetical reordering reflects the current ordering of Subtitle U § 512.1 as adopted by the Commission in the Notice of Final Rulemaking in Z.C. Case No. 20-10.

- (a) Uses permitted as a matter of right in any R, RF, and RA zones, and all uses permitted as a matter of right for MU-Use Group D of this chapter, unless otherwise ~~modified by~~ **required as a special exception in** Subtitle U §§ 513 ~~and~~ **or not permitted by Subtitle U § 514;**
- ...
- (l) Service (general) uses ...
- (m) Veterinary office or veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business; and**
- ~~(m)~~ **(n) Other accessory Accessory** uses customarily incidental and subordinate to the uses permitted by this section.

Subsection 513.1 of § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by amending paragraphs (a), Animal care and animal sales uses, and (l), Veterinary office or hospital, or veterinary boarding hospital, and reordering the paragraphs alphabetically³, to read as follows:

- 513.1 The following uses shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment **as a special exception** under Subtitle X, Chapter 9, subject to the ~~provisions of this section~~ **following conditions:**
- ~~(n)~~ **(a)** Any uses permitted as a matter of right in MU-Use Group E that does not comply with the required conditions for MU-Use Group E may apply for permission as a special exception, except firearms retail sales establishment;
- ~~(a)~~ **(b)** Animal boarding uses not meeting the conditions **for those uses** of Subtitle U § 512.1~~(a)(b)~~, subject to the following:
- (1) The animal boarding use shall take place ...
- ...
- (9) The Board of Zoning Adjustment may impose additional requirements ... as the Board deems necessary to protect adjacent or nearby property; ~~and~~
- ~~(b)~~ **(c)** Animal care and animal sales uses, **not otherwise permitted as a matter of right or by special exception,** subject to the following conditions:

³ The alphabetical reordering reflects the current ordering of Subtitle U § 513.1 as adopted by the Commission in the Notice of Final Rulemaking in Z.C. Case No. 20-10.

- (1) When located in a nonresidential building ...
- ~~(2) When located in a mixed use building, the use shall not be on the same floor as a residential use and shall be horizontally separated from any residential use by at least one (1) floor of nonresidential use;~~
- ~~(3)~~ (2) The use shall be located and designed to create no objectionable conditions to **building residents or tenants, or to** adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, **solid core doors, caulking to seal penetrations made in floor slabs for pipes, spray-on noise insulation,** and acoustical landscaping;
- ~~(3)~~ **Floor finish material, areas intended to be wet, and wall finish materials measured to a minimum height of forty-eight inches (48 in.) from the floor, shall be impervious and washable;**
- (4) External yards or other external facilities for the keeping of animals shall not be permitted, except that an Animal Shelter may have external yards or other external facilities for the keeping of animals which shall be entirely located a minimum of two hundred feet (200 ft.) from an existing residential use or residential zone; ~~and~~
- (5) All animal waste shall be placed in closed waste disposal containers and ~~shall utilize~~ a qualified waste disposal company **shall be used** to collect and dispose of all animal waste at least weekly;:
- ~~(6)~~ Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air [HEPA] filtration) or an equivalently effective odor control system;
- ~~(7)~~ **The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits, buffers, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals, or other requirements, as the Board deems necessary to protect adjacent or nearby property; and**
- ~~(8)~~ **The Board of Zoning Adjustment may waive or modify the conditions of this paragraph upon a determination that there**

will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification;

- (~~e~~) **(d)** Emergency shelter ...
- (~~d~~) **(e)** Fast food establishments ...
- (~~e~~) **(f)** Gasoline service station to be established ...
- (~~f~~) **(g)** Massage establishment ...
- (~~g~~) **(h)** Motorcycle sales and repair;
- (~~h~~) **(i)** Parking, for uses ...
- (~~i~~) **(j)** Retail uses, **other than large format retail**, that do not comply with the conditions **for those uses** of Subtitle U § 512.1(~~k~~);
- (~~j~~) **(k)** Retail, large format, subject to the conditions **for that use** of Subtitle U § 512.1(~~h~~);
- (~~k~~) **(l)** Service uses that are permitted with conditions, that do not comply with the prescribed conditions;
- (~~l~~) **(m)** Utility (basic) uses, subject to the requirements for setbacks, screening, or other requirements, as the Board of Zoning Adjustment deems necessary for the protection of neighboring or adjacent property; **and**
- (~~m~~) **(n)** Veterinary ~~office or hospital, or veterinary~~ boarding hospital subject to the following conditions:
 - (1) A veterinary ~~hospital or veterinary~~ boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to **§ 9(j) of the Animal Control Act of 1970 (D.C. Law 3-30, as amended)**; D.C. Official Code § 8-1808(j));
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
 - (3) The veterinary ~~hospital or veterinary~~ boarding hospital shall be located and designated to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary ~~hospital or veterinary~~ boarding hospital shall not abut an existing residential use or a residential zone; unless the

existing residential use is in a mixed-use building and the applicant demonstrates that:

- (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary ~~hospital or veterinary~~ boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
 - (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; ~~and.~~

Subsection 515.1 of § 515, MATTER-OF-RIGHT USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by reordering the paragraphs alphabetically, to read as follows:

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

- (a) Uses permitted as a matter of right in any R, RF, and RA zones and all uses permitted as a matter of rights for MU-Use Group E of this chapter;
...
- ~~(e)~~ ~~[DELETED]~~
- ~~(f)~~ **(e)** Eating and drinking establishments with no restrictions;
- ~~(k)~~ **(f)** Electronic Equipment Facility (EEF) use under either or both ...
- (g) Emergency shelter;
- ~~(m)~~ **(h)** ~~In the MU-30 zone, a~~ **A** gasoline service station, **only in the MU-30 zone**, provided no portion of the structure or premises shall be located within twenty-five feet (25 ft.) of a R, RF, or RA zone unless separated from that R, RF, or RA zone by a street or alley; **and**
- ~~(h)~~ **(i)** Laundry or dry cleaning establishment ...
- ~~(i)~~ **(j)** ~~In the MU-9 zone, any~~ **An** establishment that has a principal use the administration of massages, **only in the MU-9 zone**, provided that no portion of the establishment shall be located within two hundred feet (200 ft.) of a R, RF, or RA zone;
- ~~(j)~~ **(k)** Motorcycle sales and repair, only in the MU-9 zone, ...
- ~~(j)~~ **(l)** Printing, lithographing, or photoengraving establishment, with no limitation on gross floor area; **and**
- ~~(n)~~ **(m)** ~~Other accessory~~ **Accessory** uses customarily incidental and subordinate to the uses permitted by this section.

Subsection 516.1 of § 516, SPECIAL EXCEPTION USES (MU-USE GROUP F), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by adding a new paragraphs (a), Animal care and animal sales uses, and (i), Veterinary boarding hospital, reordering the paragraphs alphabetically⁴, and updating cross-references, to read as follows:

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

⁴ The alphabetical reordering reflects the current ordering of Subtitle U § 516.1 as adopted by the Commission in the Notice of Final Rulemaking and Errata Notice in Z.C. Case No. 20-10.

~~(h)~~ (a) Any use permitted as a matter of right in MU-Use Group F that does not comply with the required conditions for Use Group F may apply for permissions as a special exception, except firearms retail sales establishment.;

(b) Animal care and animal sales uses not otherwise permitted as a matter of right or special exception, subject to the following conditions:

(1) When located in a nonresidential building or on a property not zoned residential, the use shall not abut nor be closer than twenty-five feet (25 ft.) to any property line of an existing residential use or a residential zone;

(2) The use shall be located and designed to create no objectionable conditions to building residents or tenants, or to adjacent properties resulting from animal noise, odor, or waste; and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, solid core doors, caulking to seal penetrations made in floor slabs for pipes, spray-on noise insulation, and acoustical landscaping;

(3) Floor finish material, areas intended to be wet, and wall finish materials measured to a minimum height of forty-eight inches (48 in.) from the floor, shall be impervious and washable;

(4) External yards or other external facilities for the keeping of animals shall not be permitted, except that an Animal Shelter may have external yards or other external facilities for the keeping of animals which shall be entirely located a minimum of two hundred feet (200 ft.) from an existing residential use or residential zone;

(5) All animal waste shall be placed in closed waste disposal containers and a qualified waste disposal company shall be used to collect and dispose of all animal waste at least weekly;

(6) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air (HEPA) filtration) or an equivalently effective odor control system;

(7) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits, buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals, or

other requirements, as the Board deems necessary to protect adjacent or nearby property; and

(8) The Board may waive or modify the conditions of this paragraph upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver of modification;

~~(a)~~ (c) An Electronic Equipment Facility (EEF) use that does not qualify as a matter-of-right EEF use under Subtitle U § 515.1~~(k)(f)~~ subject to the requirements of this paragraph:

(1) An EEF shall not occupy more than fifty percent (50%) ...
...

(3) In evaluating whether an EEF will have any of the adverse impacts described in ~~Subtitle U § 516.1(e)(2)~~ this paragraph, the Board of Zoning Adjustment shall consider ...

~~(b)~~ (d) Where not permitted as a matter or right, a gasoline service station to be established or enlarged, or a repair garage not including body or and fender work, subject to the following conditions:

(1) The station shall not be located within twenty-five feet (25 ft.) ...
...

(3) Required parking spaces may be arranged so that not all spaces ... removal of any vehicles without moving any other vehicle onto public space; ~~and~~

~~(e)~~ (e) Enlargement of an existing laundry or dry cleaning establishment ...

~~(d)~~ (f) Where not permitted as a matter or right, any establishment that has as a principal use the administration of massages, subject to the following conditions:

(1) No portion of the establishment shall be located ...
...

(4) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area;

~~(e)~~ (g) Public utility pumping station ...

~~(f)~~ (h) Retail, large format, subject to the conditions for that use of Subtitle U § 511.1~~(h)~~;

~~(g)~~ **(i)** Sexually-oriented business establishment in the MU-9, MU-21, or MU-30 zone, subject to the following conditions:

- (1) No portion of the establishment shall be located within six hundred feet ...
- (7) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area; **and**

(i) Veterinary boarding hospital subject to the following conditions:

- (1) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to § 9(j) of the Animal Control Act of 1970 (D.C. Law 3-30, as amended; D.C. Official Code § 8-1808(j));**
- (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;**
- (3) The veterinary boarding hospital shall be located and designated to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;**
- (4) The veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates to the Board's satisfaction that:**
 - (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of industry standard sound-absorbing materials, such as acoustical tiles floor and ceiling panels, acoustical concrete and masonry, solid core doors, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation, and acoustical landscaping;**
 - (B) The windows and doors of the space devoted to the veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;**

- (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;**
- (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;**
- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;**
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;**
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses;**
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and**
- (8) The Board may waive or modify the conditions of this paragraph upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification.**

Subsection 517.1 of § 517, MATTER-OF-RIGHT USES (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by adding a new paragraph (c), Pet grooming establishment use and renumbering, to read as follows:

- 517.1 The following uses shall be permitted in the MU-Use Group G as a matter-of-right subject to any applicable conditions:
- (a) Uses permitted as a matter of right in any R, RF, and RA zones, and all uses permitted as a matter of right for MU-Use Group F of this chapter, unless required as a special exception in Subtitle U § 518 or not permitted by Subtitle U § 519;
- (b) Health Care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons,

including resident supervisors or staff and their families; provided that the number of persons being cared for shall not exceed six (6); ~~and~~

(c) Pet grooming establishment; and

~~(e)~~ **(d)** Notwithstanding Subtitle U § 519, the following parking uses ...

(1) A temporary surface parking lot accessory to the Ballpark ...
...

(4) Square 700, Lot 46, for a period of three (3) years maximum, beginning from the date of issuance of a certificate of occupancy for such use, with the three (3)-year period renewable by the Zoning Commission.

Subsection 518.1 of § 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised including by adding a new paragraph (n) and reordering the paragraphs, to read as follows:

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

~~(b)~~ **(a)** An antenna tower or monopole;

~~(a)~~ **(b)** Automobile or motorcycle sales or repair ...
...

(m) Utilities ...

(n) Veterinary boarding hospital, subject to the following conditions:

(1) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to § 9(j) of the Animal Control Act of 1970 (D.C. Law 3-30, as amended; D.C. Official Code § 8-1808(j));

(2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;

(3) The veterinary boarding hospital shall be located and designated to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

- (4) The veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:
- (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
- (B) The windows and doors of the space devoted to the veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
- (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
- (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system;
- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses;
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and
- (8) The Board may waive or modify the conditions of this paragraph upon a determination that there will be no adverse impacts to building residents or tenants, or to adjacent properties resulting from the waiver or modification;

~~(n)~~ (o) Warehouse or wholesaler use; and

~~(o)~~ (p) Other uses neither identified as permitted or not permitted ...

Subsection § 519.1 of § 519, USES NOT PERMITTED (MU-USE GROUP G), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be revised by amending paragraph (r), Animal care and boarding, reordering paragraphs alphabetically, and updating a cross-reference to read as follows:

519.1 The following uses shall be specifically prohibited in MU-Use Group G:

~~(e)~~ (a) Any use first permitted in the PDR zone;

~~(r)~~ (b) Animal care and boarding except for a pet grooming, veterinary office, veterinary hospital, or veterinary boarding hospital; use;

~~(d)~~ (c) Car wash, as a principal use;

~~(e)~~ (d) Carting, express, moving, or hauling terminal or yard ...

~~(f)~~ (e) Chemical manufacturing, storage, or distribution;

~~(g)~~ (f) Drive-through operation as either a principal or accessory use;

~~(h)~~ (g) Enameling, plating, or painting (except artist's studio) as a principal use;

~~(i)~~ (h) Firearms retail sales establishments as a principal or an accessory use;

~~(j)~~ (i) Gasoline service station;

~~(b)~~ (i) Any industrial use prohibited in an PDR zone;

~~(a)~~ (k) Any establishment that has as a principal use the administration of massages;

~~(k)~~ (l) Material salvage;

~~(l)~~ (m) Outdoor advertising or billboard as a principal use;

~~(m)~~ (n) Outdoor material storage;

~~(n)~~ (o) Packing or crating operations as a principal use;

~~(o)~~ (p) Parking lot, except a temporary surface parking lot permitted pursuant to Subtitle U § 517.1~~(e)~~;

~~(p)~~ (q) Sexually-oriented business establishment; and

~~(q)~~ (r) Smelting or rendering; ~~and.~~

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

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2018 Repl.)); and Mayor’s Order 2020-099, dated September 30, 2020; hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 99 (Definitions) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking seeks to amend 22 DCMR C § 9900 by amending the definitions of “nonresident card” and “state-issued document” to include U.S. territories so that nonresident qualified patients located in a U.S. territory with an active medical cannabis program that issues patient cards or government issued documents may receive medical cannabis from a District dispensary. The Board finds emergency action is necessary in order to ensure that nonresidents who reside in a U.S. territory and are enrolled in medical cannabis programs are able to purchase medical cannabis from a District dispensary. Thus, the Board finds that this emergency rulemaking is essential for the protection of the health, safety, and welfare of the public.

On November 4, 2020, the Board adopts these emergency rules by a vote of seven (7) to zero (0). The emergency rulemaking became effective on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption (November 4, 2020) or forty-five (45) days after the public health emergency declared by Mayor’s Order 2020-079, dated July 22, 2020, or any substantially similar subsequent Mayor’s Order is declared, whichever occurs first.

Chapter 99, DEFINITIONS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 9900, Definitions, is amended by adding “U.S. Territories” to the definitions for “Non-resident card” and “State-issued document” so that they read as follows:

Nonresident Card- a medical marijuana patient card issued by a state or U.S. territory that has an active medical marijuana program and issues either a card or state-issued document evidencing the patient’s participation in the program.

State-issued document- a document issued by the State or U.S. territory agency responsible for administering the medical marijuana program in that state or U.S. territory which bears on its face the nonresident patient’s name and program identification number, and an official seal or imprint.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Section 7a of the Child Development Facilities Regulation Act of 1998 effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036 (2018 Repl.)); Mayor’s Order 2009-130, dated July 16, 2009; the Child Care and Development Block Grant Act of 2014, approved November 19, 2014 (Pub. L. 113-186; 42 USC §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby gives notice, on an emergency basis, of the following amendments to Chapter 1 (Child Development Facilities: Licensing) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this emergency and proposed rulemaking is to extend the deadline for staff members to comply with specific credential requirements for assistant teachers and home caregivers. On December 2, 2016, the Office of the State Superintendent (“OSSE”) published a Final Rulemaking setting forth an updated framework for obtaining and maintaining a license to operate a child development facility (63 DCR 14640). The Final Rulemaking required that center directors, teachers, assistant teachers, home caregivers, associate caregivers, and expanded home caregivers earn progressively higher education credentials over time based on their specific positions. OSSE extended this deadline via an emergency and proposed rulemaking that became final on June 29, 2018, prior to the onset of the global COVID-19 pandemic and the ensuing public health emergency (PHE) in the District of Columbia. The Mayor declared a public health emergency on March 11, 2020. The PHE has disrupted many aspects of daily life, including education and child care. Child development facility staff are facing many challenges related to the public health emergency, and OSSE recognizes that meeting the specific credential requirements set forth in 5A DCMR §§ 166, 168, and 171 may be hindered due to conditions directly related to the public health emergency. Requiring staff to attend in-person courses may pose a health risk the staff, the children, and the families of children in their care. There is an immediate need to ensure the health, safety and welfare of child development facility staff and the infants and toddlers under their care. In order to provide adequate time for providers to comply with the credential requirements for assistant teachers and home caregivers, OSSE has determined that some staff in child development facilities will need more time to reach the minimum education requirements deadline. Therefore, through this emergency and proposed rulemaking, the Office of the State Superintendent of Education extends the deadline to meet the Child Development Associate requirements for assistant teachers and home caregivers to December 2, 2023. This emergency rulemaking is necessary to ensure child development facilities who accept subsidies are financially equipped to offer safe, quality and appropriate care to the District’s youngest and most vulnerable residents during a public health emergency.

This proposed rulemaking will be submitted to the Council of the District of Columbia for a thirty (30) day review period for Council approval before final adoption, pursuant to the Section 7(a) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036(a) (2018 Repl.)). The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these

proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 1, CHILD DEVELOPMENT FACILITIES: LICENSING, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 166, CHILD DEVELOPMENT CENTER: ASSISTANT TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subparagraphs (c) and (d) in Subsection 166.1 are amended by striking the phrase “December 2, 2020” and inserting the phrase “December 2, 2023” in its place.

Section 168, CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 168.1(a) is amended by striking the phrase “December 2, 2020” and inserting the phrase “December 2, 2023” in its place.

Section 171, EXPANDED CHILD DEVELOPMENT HOME: ASSOCIATE CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:

Subsection 171.1(a) is amended by striking the phrase “December 2, 2020” and inserting the phrase “December 2, 2023” in its place

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Renee Lee re: Child Development Facilities: Licensing - Credentials, 1050 First Street, N.E. 3rd Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH

SECOND NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 42 (Dentistry) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the licensure examination requirements for dentists by approving acceptance of nonpatient-based examinations; and to amend the continuing education requirements for dentists by allowing all of the continuing education requirements to be satisfied through approved online courses.

This emergency rulemaking is necessary to continue to protect the health, safety, and welfare of the District's residents by reducing the spread of COVID-19 by enabling dentists and dental students to satisfy the examination requirements necessary for licensure through the use of nonpatient-based testing methods such as utilizing simulated teeth, which protects both the practitioner and a potential live patient from possible exposure to the COVID-19 virus. This action would also eliminate the mandate to complete the Periodontal Examination. Eliminating the mandate to complete the Periodontal Examination, which primarily assesses periodontal scaling, reduces the aerosol spray and potential for increased exposure to the COVID-19 virus, and is consistent with the fact that periodontal scaling is a procedure that is primarily performed by dental hygienists instead of by dentists.

Additionally, the rulemaking is necessary to continue to protect the health, safety, and welfare of the District's residents by reducing the spread of COVID-19 by enabling dental licensees to complete their continuing education requirements online which is consistent with current social distancing efforts.

A Notice of Emergency and Proposed Rulemaking was published the *D.C. Register* on September 18, 2020 at 67 DCR 011151. Those emergency rules were adopted on September 8, 2020, and will expire one hundred twenty (120) days from the date of adoption on January 6, 2021.

This second emergency and proposed rulemaking was adopted on November 27, 2020 and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption March 29, 2021, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Director also give notice of her intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

No comments on the first emergency and proposed rulemaking were received during the public comment period. However, based on a change in position by the Board of Dentistry, this rulemaking amends § 4206.8 to allow approved internet courses and programs to be used to satisfy

the continuing education cardiopulmonary resuscitation certification requirement and the basic life support, pediatric advanced life support, and advanced cardiac life support requirements.

Chapter 42, DENTISTRY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4204, LICENSURE BY EXAMINATION, is amended as follows:

Subsection 4204.1(b) is amended to read as follows:

4204.1

...

(b) Receive a passing score on the following:

- (1) The National Dental Examination;
- (2) The American Board of Dental Examiners (ADEX) Examination, which may be a patient-based or nonpatient-based examination, and which may, but is not required to, include a periodontal examination; and
- (3) The District of Columbia Dental Law Examination.

Section 4206, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 4206.7 is amended to read as follows:

4206.7 Beginning with the licensure period ending December 31, 2021, the continuing education requirements set forth in this chapter for renewal, reinstatement, or reactivation of a license may be satisfied through approved internet continuing education courses.

4206.8 Beginning with the licensure period ending December 31, 2021, approved internet courses and programs may be used to satisfy the continuing education CPR certification requirement, and basic life support (BLS), pediatric advanced life support (PALS), and advanced cardiac life support (ACLS) requirements.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

SECOND NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 43 (Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the licensure examination requirements for dental hygienists by approving acceptance of nonpatient-based examinations; and to amend the continuing education requirements for dental hygienists by allowing all of the continuing education requirements to be satisfied through approved online courses.

This emergency rulemaking is necessary to continue to protect the health, safety, and welfare of the District's residents by reducing the spread of COVID-19 by enabling dental hygienist and dental hygiene students to satisfy the examination requirements necessary for licensure through the use of nonpatient-based testing methods such as utilizing simulated teeth, which protects both the practitioner and the potential live patient from possible exposure to the COVID-19 virus.

Additionally, the rulemaking is necessary to continue to protect the health, safety, and welfare of the District's residents by reducing the spread of COVID-19 by enabling dental hygiene licensees to complete their continuing education requirements online which is consistent with current social distancing efforts.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 18, 2020 at 67 DCR 011153. Those emergency rules were adopted on September 8, 2020, and will expire one hundred twenty (120) days from the date of adoption on January 6, 2021.

This second emergency and proposed rulemaking was adopted on November 27, 2020 and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption March 29, 2020, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director also gives notice of the intent to adopt this rule, in final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

No comments were received in response to the initial Notice of Emergency and Proposed Rulemaking. However, based on a change in position by the Board of Dentistry, this rulemaking amends § 4306.17 to allow approved internet courses and programs to be used to satisfy the continuing education cardiopulmonary resuscitation certification requirement and the basic life support, pediatric advanced life support, and advanced cardiac life support requirements.

Chapter 43, DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4304, LICENSURE BY EXAMINATION, is amended as follows:

Subsection 4304.1(b) is amended to read as follows:

4304.1

...

- (b) Receive a passing score on the following:
- (1) The National Board of Dental Hygiene Examination;
 - (2) The American Board of Dental Examiners (ADEX) Examination, which may be a patient-based or nonpatient-based examination; and
 - (3) The District of Columbia Dental Law Examination.

Section 4306, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 4306.15 is amended to read as follows:

4306.15 Beginning with the licensure period ending December 31, 2021, the continuing education requirements set forth in this chapter for renewal, reinstatement, or reactivation of a license may be satisfied through approved internet continuing education courses.

Subsection 4306.16 is repealed.

Subsection 4306.17 is amended to read as follows:

4306.17 Beginning with the licensure period ending December 31, 2021, approved internet courses and programs may be used to satisfy the continuing education CPR certification requirement, and basic life support (BLS), pediatric advanced life support (PALS), and advanced cardiac life support (ACLS) requirements.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-122
December 3, 2020

SUBJECT: Delegations of Authority Authorized During COVID-19


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.) and section 5b of the District of Columbia Public Health Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304.02, as added by section 507(c) of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020, D.C. Act 23-334, 67 DCR 12236, and any substantially similar subsequent emergency or temporary legislation, it is hereby **ORDERED** that:

1. The Director of the Department of Housing and Community Development and the Director of the DC Housing Finance Agency are concurrently delegated the authority vested in the Mayor by section 5b of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304.02, as added by section 507(c) of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020, D.C. Act 23-334, 67 DCR 12236, to issue public health emergency response grants and loans to housing providers that have experienced financial harm as a result of their legal response to the COVID-19 Public Health Emergency.
2. **DURATION OF DELEGATIONS:** The delegation of authority under paragraph 1 of this Order shall remain valid for the duration of the Act and any substantially similar subsequent emergency and temporary legislation.

3. **EFFECTIVE DATE:** The delegation of authority under paragraph 1 of this Order shall be effective *nunc pro tunc* to November 30, 2020.


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 2020-123
December 7, 2020

SUBJECT: Modified Requirements Relating to Physical Activity to Combat Escalation of COVID-19 Pandemic During Phase Two

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); in accordance with the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020, D.C. Act 23-405, the Public Health Emergency Authority Additional Extension Emergency Amendment Act of 2020, effective October 5, 2020, D.C. Act 23-411, and any substantially similar subsequent emergency or temporary legislation; section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2018 Repl.); the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020, D.C. Act 23-334, 67 DCR 12236; section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases ("Communicable and Preventable Diseases Act"), approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2018 Repl.); and in accordance with Mayor's Order 2020-045, dated March 11, 2020; Mayor's Order 2020-046, dated March 11, 2020; Mayor's Order 2020-050, dated March 20, 2020; Mayor's Order 2020-063, dated April 15, 2020; Mayor's Order 2020-066, May 13, 2020; Mayor's Order 2020-067, dated May 27, 2020; Mayor's Order 2020-079, dated July 22, 2020, and Mayor's Order 2020-103, dated October 7, 2020, it is hereby **ORDERED** that:

I. BACKGROUND

1. This Order incorporates the findings of prior Mayor's Orders relating to COVID-19.
2. Community transmission of COVID-19 is escalating throughout the District and is exploding in many parts of the country. Reinforcement to encourage community responsibility and compliance with health and safety rules is necessary. Flu season, holiday gatherings, and greater indoor activity during winter are anticipated to cause even more cases of COVID-19 and increased stress on our hospital system's capacity. Immediate further action on the part of our residents, employers, and visitors, and further restrictions on activities that are conducive to the rapid spread of the disease are warranted.
3. The District's cumulative positive COVID-19 cases now total 23,319, and 701 District residents have lost their lives to COVID-19 to date.

4. Recreation and physical health are essential to maintain; however, certain forms of recreation can pose dangers of COVID-19 to the athletes, and the experience across the country has shown that the risks are not just from on the field of play, but also from the activities of teammates off the field.
5. This Order adds to the restrictions imposed by Mayor's Order 2020-119, which suspended indoor group exercise classes at gyms and recreation centers, and limited outdoor exercise classes to twenty-five (25) persons, and it modifies requirements regarding to organized sports, and physical activity.

II. HIGH CONTACT SPORTS

1. High-contact sports as defined by the Department of Health (DOH or DC Health) (basketball, boxing, football, hockey, lacrosse, martial arts, rugby, soccer and wrestling) are prohibited in the District of Columbia, with the exception that universities or professional leagues may continue to organize and administer practices and competitions for their athletes who engage in high-contact sports, pursuant to a health and safety plan approved by its accrediting or governing body and under such further conditions as may be imposed by the Homeland Security and Emergency Management Agency (HSEMA).
2. Existing Department of Parks and Recreation ("DPR") permits may be used for non-contact drills and workouts only, for youth younger than high school aged. Any entity holding an existing DPR permit for sports involving physical contact with another player or athlete may only use the permit for the purpose of conducting non-contact drills and workouts during the duration of this Order, for children younger than high school, or for adults.
3. Youths who are middle school and younger may continue to participate in organized drills and clinics for high-contact sports, provided the athletes are cohorted in groups of no more than twelve (12), the cohorts do not mix, players within the cohorts maintain social distance from each other and the coaches or trainers, and the activities do not involve any actual physical contact with one another.

III. HIGH SCHOOL SPORTS RESTRICTIONS

1. High school extra-curricular youth sports activities and competitions are suspended for the District of Columbia Public Schools (DCPS), public charter schools, private schools, and parochial schools.

2. Recreation centers and sports clubs shall also suspend sports and organized athletic recreation activities (such as yoga and Zumba), including practices, clinics, and competitions for high school-aged athletes.

IV. MISCELLANEOUS RESTRICTIONS

1. Physical education classes shall not involve activities where students might come within six feet of one another.
2. Properly cohorted and social distanced, physical education classes and activities permitted on DPR fields may include more persons than the limits for a single outdoor class (twenty-five persons outdoors; ten indoors).
3. DPR shall suspend the issuance of new permits for organized sports and team play on DPR fields.
4. Persons may continue to use DPR fields for individual exercise or casual, non-league, non-high-contact games and activities, provided they adhere to guidance relating to social distancing and such other rules as may be imposed by DOH or other District agencies or regulatory bodies. Organizations that do not participate in a league shall adhere not only to this rule, but to the mass gathering rules as well.
5. Youths who are middle school and younger may continue to participate in organized drills and clinics for high-contact sports, provided the athletes are cohorted in groups of no more than twelve, the cohorts do not mix, players within the cohorts maintain social distance from each other and the coaches or trainers, and the activities do not involve any actual physical contact with one another.
6. DPR may set additional conditions on permits it has already issued to set limits or new, smaller limits, on the total number of persons allowed to participate at any one time, and to set other conditions aimed at reducing the spread of COVID-19.

V. ENFORCEMENT

1. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines or summary suspension or revocation of licenses.
2. The District of Columbia reserves the right to exercise provisions of the Communicable and Preventable Diseases Act, approved August 11, 1939, 53 Stat.

1408, D.C. Official Code §§ 7-131 *et seq.*, if warranted, and to issue regulations providing for civil and criminal penalties and injunctive relief for violations of this Order.

VI. SUPERSESSON


This Order supersedes any Mayor's Order or guidance issued by a District agency issued during the COVID-19 public health emergency to the extent of any inconsistency.

VII. EFFECTIVE DATE AND DURATION

This Order shall be effective at 12:01 a.m. on Friday, December 11, 2020, and shall continue to be in effect through December 31, 2020, or until the date to which the COVID-19 public health emergency is extended, whichever is later.



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).

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2021 Facilities and Buildings COVID-19 Relief Grants

The DC Commission on the Arts and Humanities (CAH) announces the availability of its fiscal year 2021 Facilities and Buildings COVID-19 Relief (FAB-R) grant program. Grants awarded under this program may be used for mortgage and rent support by eligible nonprofit arts and humanities organizations impacted by COVID-19.

Organizational applicants must have a principal business office located in the District of Columbia and have nonprofit status for at least one year prior to the application deadline and must meet business regulatory compliance. **For additional eligibility requirements, evaluation criteria, and application instructions, please review the Request for Applications (RFA), which will be available electronically beginning Monday, December 28, 2020 on the CAH website at <http://dcarts.dc.gov/>.**

All eligible applications will be considered for funding by supporting their application with (a) evidence that their organizational budget has been adversely impacted by the global COVID-19 pandemic and (b) documentation to support rent or mortgage payments for either their organization's offices or performance venues.

All applicants must submit their completed applications online on or before 4:00 pm on Friday, January 22, 2021. CAH will not accept applications submitted via hand delivery, mail or courier service. Late submissions and incomplete applications will not be forwarded to the review panel. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.

Technical assistance workshops will be offered throughout the application period to provide service to applicants.

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

For more information, please contact one of the following grant managers:

Benjamin Douglas (benjamin.douglas@dc.gov)
Kevin Hasser (kevin.hasser@dc.gov)
Commission on the Arts and Humanities
Government of the District of Columbia
200 I (Eye) St. SE, Suite 1400
Washington, DC 20003

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE

The Director of the Department of Behavioral Health (the Department), pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08)(2013 Supp.), hereby gives notice of the Department's intent to exempt Free Standing Mental Health Clinic (FSMHC) providers previously certified by the Department of Health Care Finance (DHCF) from the certification requirements established by Title 22-A, District of Columbia Municipal Regulation (DCMR) Sections 3000.2 and 3000.3, through December 31, 2020.

FSMHCs provide behavioral health services in a clinic setting to eligible individuals living in the community. Previously DHCF, upon the recommendation of the Department, certified and monitored FSMHCs under Title 29 DCMR Chapter 8. On July 3, 2020, the Department published Title 22-A DCMR Chapter 30 in which the Department assumed the responsibility of certifying and monitoring FSMHCs. To facilitate the transition, FSMHC providers certified by DHCF were permitted to continue operating if they submitted new certification applications to the Department by November 2, 2020 and become certified by the Department by no later than March 30, 2021. The Department published Final Rulemaking for Chapter 30 on October 16, 2020.

Effective December 1, 2020, the Department will temporarily waive the certification standards enumerated in 22-A DCMR §§ 3000.2 and 3000.3 for FSMHC providers certified by DHCF until January 15, 2021 to allow them additional time to submit certification applications. All FSMHC providers certified by DHCF must submit a FSMHC certification application to the Department by no later than January 15, 2021 and become certified as a FSMHC provider by the Department by no later than April 30, 2021 to remain in compliance with Title 22-A DCMR Chapter 30.

The Department reserves the right to withdraw this exemption at any time. This Notice does not impact, alter or amend the terms of the August 28, 2020 Notice of Moratorium of Free Standing Mental Health Clinic Providers. All questions regarding this Notice should be directed to Atiya Jackson, Director, Accountability Administration at Atiya.Jackson@dc.gov; or (202) 673-2245.

**OFFICE OF THE DEPUTY MAYOR FOR EDUCATION
NOTICE OF FUNDING AVAILABILITY
Common Financial Reporting Standards**

The Office of the Deputy Mayor for Education (DME) seeks eligible entities to create common financial reporting standards for the non-capital budgets and expenditures of District of Columbia Public Schools and public charter schools. The common financial reporting standards must:

- Include categories for reporting budgets and expenditures for instructional staff, school administrators, instructional supports, educational materials, and non-educational administrative costs
- Permit meaningful and accurate budget and expenditure comparisons, including comparisons of budgets and expenditures for at-risk students, as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)), between all public schools and between all local education agencies
- Ensure full and accurate disclosure of administrative costs for each local education agency
- Make it possible to collect comparable data by school campus

The common financial reporting standards must be finalized by May 31, 2021. One one-time grant will be awarded on February 1, 2021 and will not exceed \$200,000.

Beginning December 11, 2020, the full text of the Request for Applications (RFA) will be available on the DME Office [website](#). A person may obtain a copy of this RFA by any of the following means:

Download from the DME Office website on the [Projects and Initiatives tab](#) and click on *FY21 Request for Applications Common Financial Reporting Standards* to find the RFA.

Email a request to RFAFinancialStandards@dc.gov with “Request copy of Common Financial Reporting Standards RFA” in the subject line.

The deadline for application submissions is January 14, 2021, at 5:00 p.m. Submission information will be available on the website and included in the RFA.

Eligibility: All the checked institutions below may apply for this grant.

-Open to any entity licensed to conduct business in DC.

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

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
ADMINISTRATIVE ISSUANCE
CHANGE IN DCTAG APPLICATION DEADLINE**

Effective Date: December 11, 2020

I. Purpose

The purpose of this notice is to announce that the Office of State Superintendent of Education (“OSSE”) is removing the existing District of Columbia Tuition Assistance Grant (“DCTAG”) application deadline date and setting a new application deadline of September 17th for the 2021-2022 award year and each subsequent year until further notice.

II. Background

DCTAG was created by the U.S. Congress in 1999 through the District of Columbia College Access Act of 1999 (P.L. 106-98) and amended by the DC College Access Improvement Act 2002 (P.L. 107-157) and DC College Improvement Act 2007 (P.L. 110-97). OSSE is responsible for administering the federally-funded DCTAG program that provides DC residents with up to \$10,000 per year toward the difference between in-state and out-of-state tuition at public colleges and universities nationwide. The program also provides up to \$2,500 toward tuition at private nonprofit colleges and universities in the Washington, DC area and private Historically Black Colleges and Universities (HBCUs) nationwide.

In-state public institutions provide more affordable access to postsecondary education for residents of that jurisdiction. Given the limited number of public postsecondary education options within the District of Columbia, DCTAG expands postsecondary education options for DC residents by enabling greater access to institutions of higher education. DCTAG provides critical financial assistance awards to District residents to attend eligible out-of-state institutions of higher education. Without access to DCTAG funding, many District students’ opportunities to enroll in a post-secondary educational path to complete a two- or four-year degree will be significantly reduced or denied.

Colleges and universities continue to adjust and amend their programming and policies due to the ongoing COVID-19 pandemic. This continued uncertainty has demanded financial aid organizations offer flexibility when possible to give residents the ability to make informed decisions about higher education. Last year OSSE extended the DCTAG application deadline three times to meet this need.

III. Authority

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 382704(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)) (2012 Repl. and 2014

Supp.)); Section 402(b) of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001, (D.C. Law 14-28); 29 DCMR § 7000.4; Mayor's Order 2000-138, dated September 7, 2000.

IV. Procedures

With this administrative issuance, OSSE is setting the DCTAG application deadline to September 17th. This deadline will remain for this and future award years until OSSE issues a new administrative issuance through publication in the DC Register and on its website.

SO ORDERED:

Shana Young
Interim State Superintendent
Office of the State Superintendent

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

**100 V Street, SW
Case No. VCP2020-071**

Pursuant to § 601 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312, as amended April 8, 2011, D.C. Law 18-369; D.C. Official Code § 8-636.01), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for the property located at 100 V Street, SW, Washington, DC 20024, Square 611, 609 and lot 19, portion 810 is 601 13th Street, NW #300, Washington, DC 20005. The application identifies the presence of Total Petroleum Hydrocarbon (TPH), Lead and Arsenic in soil. No VOCs/TPH were found in groundwater. The Subject Property will be redeveloped in to mixed use building complex.

Pursuant to D.C. Official Code § 636.01(b), this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5E10) for the area in which the property is located. The application is available for public review at the following location:

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

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

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within fourteen (14) business days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2020-071 in any correspondence related to this application.

OFFICE OF FEDERAL AND REGIONAL AFFAIRS
NEW COLUMBIA STATEHOOD COMMISSION (NCSC)

PUBLIC NOTICE OF MEETING

Commission Members:

Mayor Muriel Bowser
D.C. Council Chairman Phil Mendelson
United States Senator Paul Strauss
United States Senator Michael D. Brown
United States Representative Franklin Garcia

In accordance with D.C. Code § 2-576(1), the New Columbia Statehood Commission hereby gives notice that it will meet on **Wednesday, December 16, 2020 from 3:30 PM - 4:30 PM** via WebEx at the link below. Below is the Agenda for this meeting.

AGENDA

- I. Opening Remarks from NCSC Co-Chair Mayor Muriel Bowser
- II. Opening Remarks from NCSC Co-Chair Phil Mendelson
- III. Receive NCSC Minutes from November 20, 2019 Meeting
- IV. Report from Senior Advisor Beverly Perry
- V. Commissioners Discussion
- VI. Budget Presentation by Senator Paul Strauss
- VII. Adjournment

Meeting Link:

<https://dcnet.webex.com/dcnet/j.php?MTID=mc0343311f51a615439c45f869e91ab42>

For additional information, please contact Sheila Escobedo at (202) 412-8483 or Sheila.Escobedo@dc.gov

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-HIRE VEHICLES**

NOTICE OF FOR-HIRE VEHICLES ADVISORY COUNCIL VIRTUAL MEETING

The For-Hire Vehicle Advisory Council will hold a virtual meeting on Tuesday, December 15, 2020 at 10:00 am. The meeting will be held via WebEx Events Teleconference.

The final agenda will be posted no later than seven (7) days before the For-Hire Vehicle Advisory Council Meeting on the DFHV website at www.dfhv.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Council on any issue of concern; the Council generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed two (2) minutes to address the Council. To register, please call 202-716-3295 no later than 3:00 p.m. on December 14, 2020. Registered speakers will be called first, in the order of registration. **Registered speakers must provide electronic copies of their typewritten statements to the Advisory Council Secretary, Chau Tran, at chau.tran@dc.gov no later than the time they are called to testify.**

DRAFT AGENDA

- I. Call to Order
- II. Advisory Council Communication
- III. Advisory Council Action Items
- IV. Department of For-Hire Vehicles staff reports
- V. Government Communications and Presentations
- VI. Public Comment Period
- VII. Adjournment

**THE DEPARTMENT OF FOR-HIRE VEHICLES
NOTICE OF FUNDING AVAILABILITY
FY21 MY RIDES PILOT PROGRAM**

The Government of the District of Columbia, Department of For-Hire Vehicles (DFHV or “Department”) is seeking to select DFHV-licensed taxicab companies or taxi network companies (TNCs) who have been granted operating authority as Digital Taxicab Solution (DTS) or Digital Dispatch Service (DDS) provider to implement the Department of Behavior Health’s (DBH) transportation service, including ensuring Wheelchair Accessible Vehicles (WAVs) services for their My Rides Pilot Program.

The purpose of this project is to remove transportation as a barrier for people trying to access treatment services for opioid use disorder (OUD). Individuals with OUD may be ready for treatment but not have the time, resources, or energy to travel there via public transportation. This project will allow individuals to request transportation to treatment as soon as they’re ready wherever they are (in the District).

Applicants are expected to provide a cost-effective, high-quality transportation services on behalf of DBH to DC residents seeking these services. This program will focus on connecting residents with their initial service appointments, which has shown to improve treatment outcomes. Providers are expected to offer curb-to-curb service, with up to two pickups (one for the passenger and one for an escort) to a list of pre-determined sites and provide rides 24 hours per day, 365 days per year. The Applicant must accept telephone bookings and be able to accept at least one additional booking option, for example: web booking, smart phone app, or text booking.

The My Rides trip shall be reimbursed at a trip rate plus a services fee of two dollars (\$2). Each trip must start and end within the District of Columbia and confirmed with the location lists provided by DBH Management or DFHV’s Project Lead.

An applicant may propose a budget with costs that adheres to the annual budget but introduces a trip rate structure to expand transportation services to additional customers, which includes a detailed description of the formulated budget pertaining to trip rates, driver incentives, number of possible customers served per month, other detailed budget and operational designs.

The total value of the grant is not to exceed one hundred and fifty-six thousand six hundred dollars (\$156,600) for completed trips.

Eligibility: DFHV licensed Digital Taxicab Solution (DTS), Digital Dispatch Service (DDS) providers or Transportation Network Companies (TNC) only.

How to Apply: Visit DFHV’s Zoomgrants portal: [Click Here](#)

RFA Release Date: The RFA will be available on Friday, December 11, 2020 on the DFHV website. To access the RFA click on [DFHV Grant Announcement Webpage](#)

Application Deadline: Monday, December 28, 2020, 5:00pm EST.

Period of Award: The performance period is January 1, 2021 up to September 30, 2021 for FY 2021. DFHV may elect to continue funding for an additional period of up to three years. Continuations would be determined based upon satisfactory program performance, grant compliance, operating authority status, and the availability of funding.

Funding: Funding will be a minimum of one hundred fifty-six thousand six hundred dollars (\$156,600) for one or more awards. For additional information regarding this announcement, please contact Gerald Kasunic at: Gerald.kasunic3@dc.gov or by calling: 202-671-1804.

Information Session: Applicants interested in learning more or who would like to ask questions about the RFA are strongly encouraged to participate in the information session scheduled on **December 16, 2020; 1:00 pm – 2pm EST**. The sessions will be held via Webex and participants may join by DFHV staffers via Video Call: [My Rides Pilot: Pre-Application Conference](#)

Selection Process: DFHV will select one or more grant recipients through a competitive application process. All applications will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed in the RFA in the requirements contained in this announcement. Selected grantee(s) may be awarded for one or more initiative(s) from the Business Transformative Grants under this NOFA.

Reservations: DFHV reserves the right to issue addenda and/or amendments subsequent to the issuance of the innovation grant announcement or any NOFA or RFA, or to rescind any innovation grant announcements, NOFA or RFA. All grant awards are subject to funding availability.

**DC GREEN FINANCE AUTHORITY
(DC GREEN BANK)**

REGULAR MEETING OF THE BOARD

DC Green Finance Authority (“DC Green Bank”) will conduct a regular meeting of the Board of Directors, pursuant to the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Regular Meeting of the Board of Directors of DC Green Bank shall be as follows:

Date:	Thursday, December 17
Time:	12:00 PM – 1:30 PM
Location:	-Microsoft Teams Videoconference- <u>Pre-registration required</u> Email info@dcgreenbank.org for more information
Contact:	info@dcgreenbank.org

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF RESCHEDULING OF MEETING

Board of Medicine
December 17, 2020

On DECEMBER 17, 2020 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine. The Board of Medicine meeting will NOT be held on the normally scheduled last Wednesday of the month, December 30, 2020.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

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

By videoconference:

Meeting number: 180 331 4304

Password: pEPavaZw357

<https://dcnet.webex.com/dcnet/j.php?MTID=meaf4fabce63680405bf22ad2d443edd0>

By phone:

+1-202-860-2110 United States Toll (Washington D.C.)

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

Access code: 180 331 4304

Executive Director for the Board – Frank B. Meyers, JD (Frank.Meyers@dc.gov)

DEPARTMENT OF HEALTH
NOTICE OF PUBLIC MEETING

Scientific Advisory Committee
Tuesday, December 15th, 2020
6:00 p.m.
Draft Agenda

On Tuesday, December 15th, 2020, the Department of Health will be hosting the next meeting of the Scientific Advisory Committee via Web-Based Conferencing (WebEx). The meeting will commence at 6:00 p.m. Any questions should be directed to Heather Burris at (202) 380-6934. Ms. Burris can also be reached at Heather.Burris@dc.gov.

Introduction from Director

COVID-19 Vaccine Group Update

Vaccine Allocation and Distribution

Key Informant Interviews and Focus Group Project

Member Discussion

Adjournment

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

<hr/>)
In the Matter of:)
)
The District of Columbia Metropolitan)
Police Department,)
)
Petitioner,)
)
v.)
)
Fraternal Order of Police/Metropolitan)
Police Department Labor Committee,)
)
Respondent.)
<hr/>)

PERB Case No. 20-A-07 MFR

Opinion No. 1763

DECISION AND ORDER

On September 14, 2020, the District of Columbia Metropolitan Police Department (MPD) filed a Motion for Reconsideration (Motion), seeking reconsideration of the Opinion No. 1756 issued by the Board on August 31, 2020, which denied MPD’s Arbitration Review Request. On September 17, 2020, the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP) filed an Opposition to the Motion.

In Opinion No. 1756, the Board found that MPD’s Arbitration Review Request was untimely. The Board found that MPD did not provide an explanation for its delay or request equitable tolling. In its Motion, MPD admits that it did not request equitable tolling. Nevertheless, MPD argues that the Board should equitably toll the untimely filing.

The Board has repeatedly held that a Motion for Reconsideration cannot be based solely on a mere disagreement with its initial decision.¹ It appears that there is no other reason for this filing except to delay complying with the Arbitrator’s Order MPD disagrees with the dismissal of its untimely filing. MPD has not provided any authority that would compel the Board to reach a

¹ *AFSCME District Council 20, Local 2921 v. DCPS*, 62 D.C. Reg. 9200, Slip Op. No. 1518 at p. 3-4, PERB Case No. 12-E-10 (2015). *See also FOP/MPD Labor Comm. v. MPD*, Slip Op. No. 1554 at 8-9, PERB Case No. 11-U-17 (Nov. 19, 2015); *Rodriguez v. MPD*, 59 D.C. Reg. 4680, Slip Op. No. 954 at 12, PERB Case No. 06-U-38 (2010).

Decision and Order
PERB Case 20-A-07 MFR
Page 2

different result. Absent such authority, the Board will not overturn its decision.² Therefore, the Motion is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. MPD's Motion for Reconsideration is hereby denied; and,
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

October 29, 2020

Washington, D.C.

² *FOP/MPD Labor Comm. v. MPD*, 60 D.C. Reg. 12058, Slip Op. No. 1400 at p. 6, PERB Case No. 11-U-01 (2013).

CERTIFICATE OF SERVICE

I hereby certify that the attached Decision and Order, Slip Op. 1763, in PERB Case No. 20-A-07 MFR was served electronically via File & ServeXpress to the following parties on this the day of November 16, 2020:

Milena Mikailova
Office of the Attorney General
441 4th Street NW, Suite 1145 South
Washington, D.C. 20001

Daniel J. McCartin
Conti Fenn LLC
36 South Charles Street, Suite 2501
Baltimore, MD 21201

/s/ Dawan Jones
Public Employee Relations Board

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 15, 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 December 11, 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 15, 2021
Page 2 of 8

Abella	Jennifer Marie	Self 1513 Independence Avenue, SE	20003
Anand	Sahil	Citi Bank 5001 Wisconsin Avenue, NW	20016
Anderson	Mohammad omar	Self 625 H Street, NE, #144	20002
Anoh	Akouba Marina	Leidos Digital Solutions 499 South Capitol Street, SW, #400	20003
Aragone	Maria Fernanda	Self 1701 16th Street, NW, #522	20009
Bacher	Chelsea Jane	BGR Government Affairs, LLC 601 13th Street, NW, 11th Floor South	20005
Ball	Lasata L.	Hogan Lovells US LLP - Columbia Square 555 Thirteenth Street, NW	20004
Barnechet-Hernandez	Maria D.	USA for UNHCR – The UN Refugee Agency 1310 L Street, NW, Suite #450	20005
Barry Moilanen	Amanda Catherine	Reno & Cavanaugh, PLLC 455 Massachusetts Avenue, NW, Suite 400	20001
Basir	Jihad	Self 4000 Tunlaw Road, NW, #1100	20016
Bhandari	Dipika	PNC Bank 1050 Connecticut Avenue, NW	20036
Biles	Jeanette	Self (Dual) 3305 8th Street, NE, #206	20017
Blanco	Edwin	IDB Global Federal Credit Union 1300 New York Avenue, NW	20577
Bowerfind	Dorothy S.	Winston & Strawn, LLP	

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

Effective: January 15, 2021
 Page 3 of 8

		1901 L Street, NW	20036
Bowers	Heather	Self (Dual) 2829 Connecticut Avenue, NW, #511	20008
Brown	Patricia M.	Mills Black, LLP 1215 19th Street, NW	20036
Burrell	Lauren	ACCUPERMIT, LLC 4400 Sheriff Road, NE	20019
Chapkovsky	Elizabeth	Self 2331 15th Street, NW, Apartment 308	20009
Cho	Claire	National Geographic Society 1145 17th Street, NW	20036
Clark	Yazmin	NRL Federal Credit Union 4555 Overlook Avenue, SW	20375
Coleman	Rhonda Kay	Horvath Inc. 3327 P Street, NW	20007
Cooper	Denise	K&L Gates, LLC 1601 K Street, Street, NW	20006
DeRosa	Ashley Victoria	District of Columbia Housing Authority 1133 North Capitol Street, NE, #100	20002
Desvarieux	Jessica	J+J Designs, LLC 21 S Street, NW	20001
Dolan	Brian Patrick	United States Secret Service 950 H Street, NW, Suite 5300	20223
Echanique	Deanna Rose	Alphatec, PC 1525 18th Street, NW	20036
Edler	Lauren D.	Self 1347 Shepherd Street, NE	20017
Feldman	Rachel	Citizens for Responsibility and Ethics in Washington (CREW)	

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2021
Page 4 of 8

		1101 K Street, NW, Suite 201	20005
Ferguson	LaKisha LaTreaivette	Self 860 Southern Avenue, SE, #302	20032
Ferguson- Johnson	Toni M.	Self 738 13th Street, SE	20003
Finn	Elizabeth Ann	Veritext Legal Solutions 1250 Eye Street, NW, #350	20005
Fox	Derek	Planet Depos LLC 1100 Connecticut Avenue, NW, 950	20036
Glenn	Aurelia	CAF USA, Inc. 1401 K Street, NW, Suite 1003	20005
Gorham	Charnell	Bank of America 3821 Minnesota Avenue, NE	20019
Greene	Josh S.	Eastern Title and Settlement 2802 Myrtle Avenue, NE	20018
Hanna	Sahaidachnaya	Theia Group Incorporated 1455 Pennsylvania Avenue, NW, #800	20004
Hathaway	Diana	District Construction Corporation 100 M Street, SE, #600	20003
Henderson	Angela N.	Joel Nelson Group 519 C Street, NE	20002
Hughes	Brittany Nicole	Self 3735 D Street, SE, #102	20019
Hughes	Devin	Self 625 H Street, NE, #144	20002
Humphries	Michael Evan	Around The Clock, LLC 1922 Savannah Street, SE, # 102	20020

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2021
Page 5 of 8

Jiron Araica	Evelyn Nohemi	Hunton Andrews Kurth, LLP 2200 Pennsylvania Avenue, NW	20037
Klareich	Morgane Rebecca	Masters Title & Escrow 1054 Potomac Street, NW	20007
Lewis Taylor	Valerie Camille	Self 1350 Franklin Street, NE	20017
Lopez	Amanda N.	CW Financial Services LLC 900 19th Street, NW, 8th Floor	20006
Mayne	Jerrell	Dynamic Properties, LLC 71 Potomac Avenue, SE, #1122	20003
Mazariegos	Amarachi Blessing	Self 1401 New York Avenue, NE, Apt 514	20002
McCullough	Ashley	Watergate South 700 New Hampshire Avenue, NW	20037
Mitchell	Shaunta A.	Self (Dual) 2723 Jasper Street, SE, One	20020
Mitchell	Towanna Dorothea	American Federation of Government Employees (AFGE) 80 F Street, NW	20001
Mobley	Adonia	Arnall Golden Gregory, LLC 1775 Pennsylvania Avenue, NW, #1000	20006
Monroe	Sharman	Self 3431 South Dakota Avenue, NE	20018
Moore-Pugh	Constance	Constance Moore-Pugh, CPA 4105 Massachusetts Avenue, SE	20019
Morataya	Nixon Reynaldo	The UPS Store 7315 2490 Market Street, NE	20018
Nadeem	Rasha M. Shaker	BHC LLC 1775 I Street, NW, Suite 1150	20006

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2021
Page 6 of 8

Nguyen	Sierra Trinh	Setty & Associates International, PLLC 1415 Elliot Place, NW, #100	20007
O'Brien	Laureen Nicole	AFL-CIO Housing Investment Trust 1227 25th Street, NW, Suite 500	20037
Onwuvuche	Oluchi N.	Self (Dual) 535 Buchanan Street, NW	20011
Pagon	Avon	Barker Adoption Foundation 1066 30th Street, NW	20007
Pete-McGinnis	LaTeesha Eyonta	Reno & Cavanaugh, PLLC 455 Massachusetts Avenue, NW, #400	20001
Reichert	Molly	Invictus Capital Partners, LP 2001 M Street, NW, #300	20036
Reyes	Sheyla Leineth	PNC BANK 4835 Massachusetts Avenue, NW	20016
Reyes	Wendy C.	JPN Masonry, LLC 2808 Douglas Street, NE	20018
Rucker	Alicia L.	Self (Dual) 1031 49th Street, NE	20019
Saabye	Christopher	Logan Title 2308 14th Street, NW	20009
Scott	Morinia L.	Jackson & Campbell, P.C. 2300 N Street, NW, #300	20037
Sharp	Brandon	Self (Dual) 513 23rd Place, NE	20002
Sharp	Dorothy	Self (Dual) 513 23rd Place, NE	20002
Shonerd	Peter Knight	Diversified Reporting Services, Inc. 712 H Street, NE, Suite #802	20002

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: January 15, 2021
Page 7 of 8

Simms	Swayne	Self 1720 Buchanan Street, NE	20017
Slaughter	Stephen Anthony	Self 855 Barnaby Street, SE	20032
Smith	Carla Lynnise	Self 5535 Loring Way, SW, #A	20032
Smith	Jordan	Kutak Rock 1625 Eye Street, NW, Suite 800	20006
Stroud	Normika Joi	Self 909 Aspen Street, NW	20012
Sutton	Mariah Elizabeth	International Monetary Fund 700 19th Street, NW	20431
Swiacki	Victoria Rose	Allied Title & Escrow, LLC 1100 Vermont Avenue, NW, #500	20005
Todd	Uretta	Self 1007 Girard Street, NE	20017
Tran	Leigh	Sidley Austin, LLP 1501 K Street, NW	20005
Vactor	Elbonny	District of Columbia Department of Corrections 1901 D Street, SE	20003
Vanterpool	Shantelle	MVP Fitness and Massage 2636 Wade Road, SE, #11	20020
Walls	Tierney	Champion Title & Settlements, Inc. 700 Pennsylvania Avenue, SE, #360	20003
Wangila	Rhoi Kaima	NAVA Consulting Group 5421 5th Street, NW	20011
Washington	Leevannah	General Services Administration 1800 F Street, NW	20407

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

**Effective: January 15, 2021
Page 8 of 8**

Wong	Michelle	TD Bank 2000 K Street, NW	20006
Young	Rahel S.	United States Senate Federal Credit Union 120 Constitution Avenue, NE, Room 118	20002

**SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL
NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES**

Shining Stars Montessori Academy Public Charter School solicits proposals for the following services:

- Property & Building/Facility Management Services
- Facility construction and remodeling services (to include exterior and interior spaces or grounds)
- ELL curriculum and instruction Support Services
- HR and Talent Development Services
- Office , Administrative and Student Records Management Support Services
- Curriculum Support Services
- IT support (to include but not limited to enhanced networking support , education technology support, hardware and subscriptions to support distance learning teaching and learning)
- Professional services to support school reopening
- Fencing and Building Security

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 12/22/2020. Contact: procurement@shiningstarspcs.org

**WASHINGTON CONVENTION AND SPORTS AUTHORITY
(T/A EVENTS DC)**

BOARD OF DIRECTORS - 2021 PUBLIC MEETING SCHEDULE

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that it has scheduled the following meetings for 2021: January 14, February 11, March 11, April 8, May 13, June 10, July 8, September 9, October 14, November 10 and December 9. Meetings will take place virtually, beginning at 10 a.m. To access the meetings, please use: [https://eventsdc.zoom.us/j/97436432405?pwd=ZjMwekNtOVoxYXJYbURnaFRreG42QT09](https://eventsdc.zoom.us/j/97436432405?pwd=ZjMwekNtOVoxYXJYbURnaFRreG42QT09;); Dial-In Number: 301-715-8592 ; Webinar ID: 974 3643 2405. The Board's agenda includes reports from its Standing Committees. For additional information, please contact Sheila Miller at smiller@eventsdc.com.

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

Application No. 20288 of Shannon Perry, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the maximum lot occupancy requirements of Subtitle F § 604.1, to construct a three-story rear addition to an existing attached principal dwelling unit and convert it into a three-unit apartment house in the RA-2 Zone at premises 1524 Kingman Place, N.W. (Square 241, Lot 92).

HEARING DATES: October 21, 2020, November 4, 2020, and November 18, 2020¹
DECISION DATE: November 18, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 53 – Revised Zoning Self-Certification; Exhibit 11 - Updated; Exhibit 5 – Original.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.²

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2F.

ANC Report. ANC 2F did not file a report in the application. The Board received a letter from Single Member District Commissioner for 2F-02 in support of the application. (Exhibit 44.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 16.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 17.)

Persons in Opposition. One letter was filed in opposition to the application. (Exhibit 34.)

¹ This application was originally scheduled for public hearing on October 21, 2020, but was postponed at the Applicant's request to November 4, 2020, then postponed further to the Virtual Public Hearing on November 18, 2020 to allow for consideration by the ANC and neighbors.

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.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle F § 5201 from the maximum lot occupancy requirements of Subtitle F § 604.1, to construct a three-story rear addition to an existing attached principal dwelling unit and convert it into a three-unit apartment house in the RA-2 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 PLANS³ AT EXHIBIT 46 – UPDATED 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 25, 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.

³ In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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

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

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

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

Application No. 20316 of Scott B. Jacobs, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the accessory building rear yard setback requirements of Subtitle E § 5004.1, and from the accessory building rear yard requirements of Subtitle E § 5004.2, and under the RF use requirements of Subtitle U § 301.1(e), to construct a new accessory building and use the accessory building as a second principal dwelling unit in the RF-1 Zone at premises 3578 13th Street, N.W. (Square 2834, Lot 95).

HEARING DATE: November 18, 2020
DECISION DATE: November 18, 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 § 402.1.¹

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 October 14, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 36.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 29.)

¹ The Board waived the requirements of Subtitle Y § 402.1(a) because notice of the application 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.

DPW Report. The Department of Public Works filed written testimony expressing no objection to the application. (Exhibit 40.)

DCFEMS Report. The District Department of Fire and Emergency Medical Services submitted a statement indicating that it had no objection to the application. (Exhibit 41A.)

DC Water Report. DC Water filed a statement expressing no objection to the application. (Exhibit 35.)

Persons in Support. Two letters were filed by neighbors in support of the application. (Exhibits 26 and 27.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the accessory building rear yard setback requirements of Subtitle E § 5004.1, and from the accessory building rear yard requirements of Subtitle E § 5004.2, and under the RF use requirements of Subtitle U § 301.1(e), to construct a new accessory building and use the accessory building as a second principal dwelling unit 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 6 - ARCHITECTURAL PLANS AND ELEVATIONS, and SUBJECT to the FOLLOWING CONDITION:**

1. The Applicant shall have the flexibility to adjust the width of the accessory building garage door.

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.

VOTE: 4-0-1 (Frederick L. Hill, Peter G. May, Chrishaun S. Smith, and Lorna L. John 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 30, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA APPLICATION NO. 20316

PAGE NO. 3

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-22A**

Z.C. Case No. 15-22A

301 FL Manager, LLC

(Two-Year PUD Time Extension @ Square 772N, Lot 3)

November 19, 2020

Pursuant to notice, at its November 19, 2020, public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 301 FL Manager, LLC (the “Applicant”) for: a two-year time extension of the deadline to start construction of the planned unit development (“PUD”) approved by Z.C. Order No. 15-22 (the “Original Order”) for Lot 3 in Square 772N (the “Property”). The Commission considered the Application pursuant to Subtitle Z, Chapters 1 and 7. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Pursuant to the Original Order, effective June 17, 2016 (the “Effective Date”), the Commission approved a consolidated PUD for the Property that authorized the construction of a mixed-use project (the “Approved PUD”), with a related map amendment of the Property to the C-3-C Zone District (now the MU-9 zone).
2. Condition No. D(2) of the Original Order limited the validity of the Original Order to two years from the Effective Date, with the Applicant required to:
 - File a building permit application within this two-year validity period – by June 17, 2018; and
 - Start construction of the Approved PUD within three years of the Effective Date – by June 17, 2019.
3. On July 14, 2016, the Original Order was appealed to the D.C. Court of Appeals (“DCCA”), which affirmed the Original Order in Case No. 16-AA-0705 in a November 22, 2017, decision. (Exhibit [“Ex.”] 2C.)
4. Pursuant to Subtitle Z § 705.8, the Original Order’s deadlines for filing a building permit application and starting construction were suspended until the date of the DCCA decision, so that the deadline to file a building permit application was extended to November 22, 2019, and the deadline to begin construction was extended to November 22, 2020.
5. The Zoning Administrator, in a November 13, 2019, email, confirmed that on March 7, 2017, the Applicant had filed a building permit application for the PUD, which had been accepted by DCRA as complete prior to the November 22, 2018 deadline. (Ex. 2D, 2E.)

PARTIES AND NOTICE

6. The only party to the Original Order other than the Applicant was Advisory Neighborhood Commission (“ANC”) 6C.
7. The Applicant served the Application on ANC 6C on October 1, 2020, as evidenced by the certificate of service included in the Application. (Ex. 3.)

II. THE APPLICATION

8. The Application asserted that it satisfied Subtitle Z § 705’s requirement for a two-year time extension of the November 22, 2020 to start construction of the Approved PUD because:
 - The Application was timely filed on October 1, 2020, prior to the November 22, 2020, deadline;
 - None of the material facts upon which the Commission based its approval of the Approved PUD had changed substantially since the issuance of the Original Order; and
 - The Applicant had proceeded diligently and in good faith to realize development of the Project, including:
 - Requesting bids for construction on March 9, 2018;
 - Working with the Department of Energy and Environment (“DOEE”) to identify, inspect, and remove seven underground storage tanks which were ultimately removed by September 2019 as confirmed by a DOEE Letter of Permanent Tank Closure dated October 4, 2019; (Ex. 2G.)
 - Negotiating and ultimately restructuring the ownership of the Property, with the COVID-19 pandemic delaying the closing date from the original scheduled first quarter of 2020 to July 2020; and
 - Working with various lenders to obtain adequate construction financing.
9. The Application supported these assertions with:
 - An affidavit from the Applicant; and (Ex. 2F.)
 - Letters from two potential lenders, United Bank and Founders Bank (the “Lender Letters”), stating that each institution could not commit funds at this time due to the uncertainty of the local economy resulting from the COVID-19 Pandemic, but that each institution supported the Approved PUD and would consider committing funding in the future and therefore supported the Application’s request for a time extension to allow more time for economic conditions to stabilize. (Ex. 2I, 2J.)
10. The Application stated that the requested two-year time extension was necessary for the Applicant to secure the financing needed to move forward with the development of the Property and would not prejudice the parties or break any law.

III. RESPONSES TO THE APPLICATION**OP REPORT**

11. The Office of Planning (“OP”) filed a November 5, 2020, report (the “OP Report”) that recommended approval of the Application and the waiver from the limits of Subtitle Z § 705.5, based on OP’s conclusions that: (Ex. 6.)

- There had been no substantial change to either the Comprehensive Plan or the development of the area around the Property since the Original Order;
- Project delays caused by environmental remediation, ownership reconfiguration, and the COVID-19 pandemic have impacted the Applicant's ability to secure adequate construction financing for the Approved PUD;
- The Approved PUD was also delayed due to the DCCA appeal which was ultimately dismissed on November 22, 2017; and
- These delays and the ongoing economic uncertainty due to the Pandemic are beyond the Applicant's reasonable control.

ANC REPORT

12. On October 17, 2020, ANC 6C submitted a report (the "ANC Report") stating that at its regularly scheduled and duly noticed October 14, 2020, public meeting, at which a quorum was present, it voted in support of the Application as appropriate and necessary because of the "difficulties in obtaining project financing due to the uncertain economic outlook." (Ex. 5.)

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z §§ 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. The Commission concludes that the DCCA appeal of the Original Order suspended its deadlines and started from the date of the DCCA's decision – becoming November 22, 2019, to file a building permit application and November 22, 2020, to start construction of the Approved PUD - per Subtitle Z § 705.8, which provides that:
In the event an appeal is filed in a court of competent jurisdiction from an order of the Commission, the time limitations of Subtitle Z §§ 702.2 and 702.3 shall run from the decision date of the court's final determination of the appeal.
3. The Commission concludes that the Application was timely filed in compliance with Subtitle Z § 705.2 on October 1, 2020, prior to the November 22, 2020, deadline to begin construction.
4. The Commission concludes that the Application complied with Subtitle Z § 705.5's limit on a maximum of two extensions, with the first limited to two years because the Application requested the first time extension of the Original Order and for a two-year period.
5. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(a)'s requirement to serve the Application on all parties at least 30 days prior to the Commission considering the Application because the Applicant served the Application

on ANC 6C on October 1, 2020, more than 30 days before the November 19, 2020, public meeting at which the Commission considered the Application.

6. The Commission concludes, based on the Application and the OP Report, that the Application met Subtitle Z § 705.2(b)'s requirement that none of the material facts upon which the Commission based its original approval of the Approved PUD had been substantially changed because neither the Comprehensive Plan nor the development of the area surrounding the Property had changed substantially since the Original Order.
7. The Commission concludes that the Application met Subtitle Z § 705.2(c)'s requirement to demonstrate with substantial evidence one or more of the following criteria, as detailed below:
 - 1) *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;*
 - 2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
 - 3) *The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*
8. The Commission concludes that the Application met Subtitle Z §§ 705.2(c)(1) and (3) because the Applicant has demonstrated that:
 - Construction of the Approved PUD was initially delayed due to the D.C. Court of Appeals case;
 - Despite this litigation the Applicant timely filed for a building permit but faced subsequent delays due environmental remediation requirements, and a restructuring of the ownership structure; and
 - The Applicant has been unable to secure financing for the Approved PUD despite its best efforts, due to the changes in economic conditions resulting primarily from the ongoing COVID-19 Pandemic, as demonstrated by the Lender Letters that noted that additional time would allow for economic conditions to stabilize.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

9. The Commission must give "great weight" to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

10. The Commission finds OP's analysis that the Application complied with the requirements for a time extension and OP's recommendation to approve the Application persuasive and concurred in that judgment.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

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

DECISION

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a two-year extension of the deadline of Condition No. D(2) of Z.C. Order No. 15-22 to start construction of the PUD approved by that order from November 22, 2020 to **November 22, 2022**.

The other conditions of Z.C. Order No. 15-22 remain unchanged and in effect.

VOTE (November 19, 2020): 5-0-0 (Michael G. Turnbull, Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 15-22A shall become final and effective upon publication in the *D.C. Register* on December 11, 2020.

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

District of Columbia REGISTER – December 11, 2020 – Vol. 67 - No. 51 014383 – 014600