

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council publishes Act 23-217, Comprehensive Plan Framework Amendment Act of 2019
- D.C. Council schedules a public hearing on “Unfunded Spending Initiatives and Deficiency Spending”
- D.C. Council schedules a public roundtable to approve modifications to the Shaw School Urban Renewal Area and the Downtown Urban Renewal Area plans (PR 23-660)
- Department of Behavioral Health solicits partners to provide school-based behavioral health services in District of Columbia public and public charter schools
- Office of the State Superintendent of Education announces funding for the Fiscal Year 2020-2021 Pre-Kindergarten Enhancement and Expansion Program
- Board of Elections schedules a public hearing on proposed measure “Sex Worker and Community Health and Safety Act of 2020”
- Department of Motor Vehicles establishes standards for the issuance of notices for infractions associated with automated parking enforcement devices
- District Department of Transportation clarifies public space locations that require a permit to perform excavation work

# DISTRICT OF COLUMBIA REGISTER

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

MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-217**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 11, 2020**

To amend the District of Columbia Comprehensive Plan Act of 1984 to modify the Framework Element to reflect updated data and analysis of forces driving change and growth projections, and to clarify land use designations and how to use the Generalized Policy Map and Future Land Use Map to reflect longstanding policy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Plan Framework Amendment Act of 2019”.

Sec. 2. Chapter 2 (10-A DCMR § 200.1 *et seq.*) (Framework Element) of section 3 of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Official Code § 1-306.01 *et seq.*), is amended to read as follows:

**“200 OVERVIEW**

**“200.1 Framework Element**

The Framework Element of the Comprehensive Plan serves four purposes. 200.1

“200.2 First, it provides the context for the rest of the Plan by describing the forces driving change in the city. These forces include demographic shifts, economic change, technological change, fiscal challenges, tensions between federal and local interests, and more. Such “driving forces” define the major issues facing Washington and touch every aspect of life in the city. 200.2

“200.3 Second, the Framework Element includes a description of the District’s growth forecasts and projections. The forecasts are expressed in narrative format and are also summarized in tables and charts. They show how and where the District expects to add households, people, and jobs between 2005 and 2025, and adds an extended forecast through 2045. 200.3

“200.4 Third, the Framework Element ties the Comprehensive Plan to the “Vision for Growing an Inclusive City.” It lays out 40 principles to be followed as the District moves from “Vision to Reality.” These principles, largely drawn from the Vision and from the previous Comprehensive Plan, express cross-cutting goals for the District’s future that guide the Plan’s policies and actions. 200.4

## ENROLLED ORIGINAL

- “200.5 Finally, the Framework Element describes the Comprehensive Plan, Generalized Policy Map, and the Future Land Use Map, describes how the Comprehensive Plan guides development decisions, and describes the role of capital investments in addressing current and future challenges regarding infrastructure and facilities. The Generalized Policy Map “tells the story” of how the District is expected to change during the first quarter of the century. It highlights the places where much of the city’s future growth and change is expected to occur and sets the stage for the Elements that follow. The Future Land Use Map shows the general character and distribution of recommended and planned uses across the city. Both maps carry the same legal weight as the text of the Comprehensive Plan. 200.5
- “200.6 Unlike the other Citywide Elements, the Framework Element does not contain policies and actions. Its intent is to provide the foundation for the rest of the Comprehensive Plan. 200.6
- “201 THE FORCES DRIVING CHANGE**
- “201.1 The sections below describe the forces driving change in the District of Columbia and outline the implications of these forces for the District’s future. The Comprehensive Plan seeks to address these implications for the District to become a more inclusive city. Achieving a more inclusive city calls for public and private collaborations, among District agencies, between District and federal agencies, with the private and non-profit sectors, and with our residents, as well as our regional partners. 201.1
- “202 THE DISTRICT AND THE REGION**
- “202.1 Since 2006, the District has re-established its position at the center of an economically dynamic metropolitan area. Rapid growth in population and jobs has made the District one of the fastest growing large cities in the United States, following prior decades of population and job loss. Now the District is regaining its share of the region’s vitality. 202.1
- “202.2 Between 2006 and 2016, the Washington metropolitan area grew by over 19 percent, increasing from 5.2 million to 6.1 million residents. More than 260,000 jobs were added during this period, an increase of almost nine percent. Greater Washington is the fastest growing large metropolitan area in the country outside of the South and West. It is the sixth largest metropolitan area in the nation. Metropolitan Washington now sprawls across 4,500 square miles of the Middle Atlantic States. 202.2
- “202.3 The District has captured a greater share of regional growth than expected. In 1950, the District had 46 percent of the region’s population and 83 percent of its jobs. By 2000, it had just 12 percent of the region’s population and 25 percent of its jobs. In 2006, the perceived difficulties of infill development and other factors led to even the most ambitious projections showing the District with a diminishing share of the region’s population and jobs in the future. 202.3

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- “202.4 Instead, our position as the nation’s capital, our historic and unique neighborhoods, our cultural offerings, and the benefits of density, such as transportation and urban amenities, placed a premium on Washington and distinguished it from the surrounding suburbs, reflecting renewed interest in living and working in the city. With this renewed interest, the District can maintain a growing share of the region’s population and jobs. 202.4
- “202.5 There are signs the region will better balance growth between jobs and households in the future. In 2006, Montgomery, Prince George’s, and Fairfax Counties planned to add 620,000 jobs during the next 25 years but only 273,000 households, with similar imbalances in other regional jurisdictions. If this regional jobs-housing imbalance had continued, more workers would have sought housing outside the region, creating more congestion and sprawl, while also raising housing costs in the region’s core as people sought to reduce their commuting times by moving closer to their jobs. However, regional projections now indicate a shift toward more housing within the inner suburbs that should moderate the jobs-housing imbalance, described below in the Cooperative Forecasting section. 202.5
- “203 **DEMOGRAPHIC CHANGES**
- “203.1 The District is an attractive place to live and work, as evidenced by recent population growth. Since 2006, the District grew by over 123,000 (21.6 percent) to an estimated population of 693,972 in 2017. This growth sharply contrasts with the loss of population that marked the decades from 1950 to 2000, when Washington went from a peak of 802,000 residents to 572,000. The current trend, if sustained, puts the District on track to bypass the 1950s peak within two decades. The main drivers of this increase are natural increase (births minus deaths), and international and domestic migration. 203.1
- “203.2 Nine to ten percent of the population moves into, or out of, the city each year. The District has successfully sought to attract and retain both domestic and international residents. Domestic migration has shifted from negative to positive, with 2,000 people added annually since 2009. The city has also added an average of 3,000 net new international residents each year since 2006. 203.2
- “203.3 The largest component (77 percent) of in-migration from 2006 to 2017 consisted of young adults who tended to be white and college educated. These new residents shifted the demographic makeup in many neighborhoods in several ways. They held higher-wage jobs than many existing residents, and their incomes grew faster. These new residents also stayed in the District and started families. In 2006, married couples made up only 22 percent of households; since then, married couples represent almost half of the District’s 31,000 new households. While fertility rates are down, including for single and teen mothers, the increase in married couples has resulted in a mini-



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baby boom, with the number of average births per year increasing from 7,700 in the early 2000s to over 9,500 in 2017. 203.3

“203.4 Since 2006, recent migration patterns indicate the city has lost existing residents in certain types of households, including parents with children and blacks, although the overall population of Washington, DC is growing. Prince George’s and Montgomery Counties in Maryland are, in order, the two largest destinations for those leaving the city. 203.4

“203.5 Previous population decline, and now growth, has affected different parts of the city in different ways. Figure 2.1 illustrates changes in population by neighborhood cluster from 1980-2000 and 2000-2015. Between 1980-2000, the vast majority of population decline occurred east of 16th Street – areas east of the Anacostia River lost 44,000 residents – while many areas west of Rock Creek Park actually gained residents. As middle-income households moved away, poorer residents stayed behind, leaving the District with the largest concentration of poverty in the region and a sharper divide between rich and poor. This also resulted in a greater concentration of people with special needs, and places of disinvestment, with concomitant challenges in many communities. 203.5

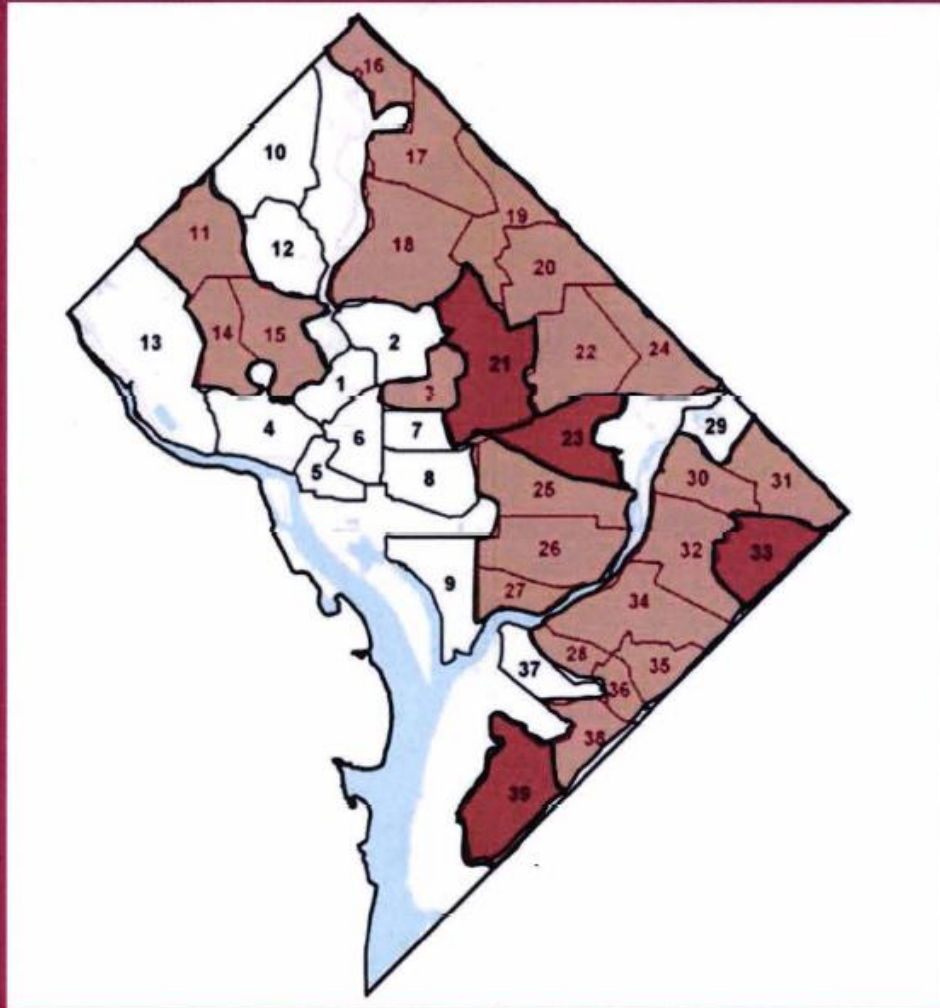
“203.6 Much of the population growth between 2000 and 2017 concentrated in central Washington neighborhoods, particularly those hit hard by the 1968 riots. The riots and their aftermath resulted in vacant and underutilized land in what subsequently became a desirable, central location. Accelerating demand to live in these neighborhoods has resulted in increased housing costs that threaten the ability of existing lower income households to remain. 203.6

“203.7 Figure 2.1: Population Change by Neighborhood Cluster, 1980-2000 and 2000-2017

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Figure 2.1:

### Population Change by Neighborhood Cluster, 1980-2000 203.3



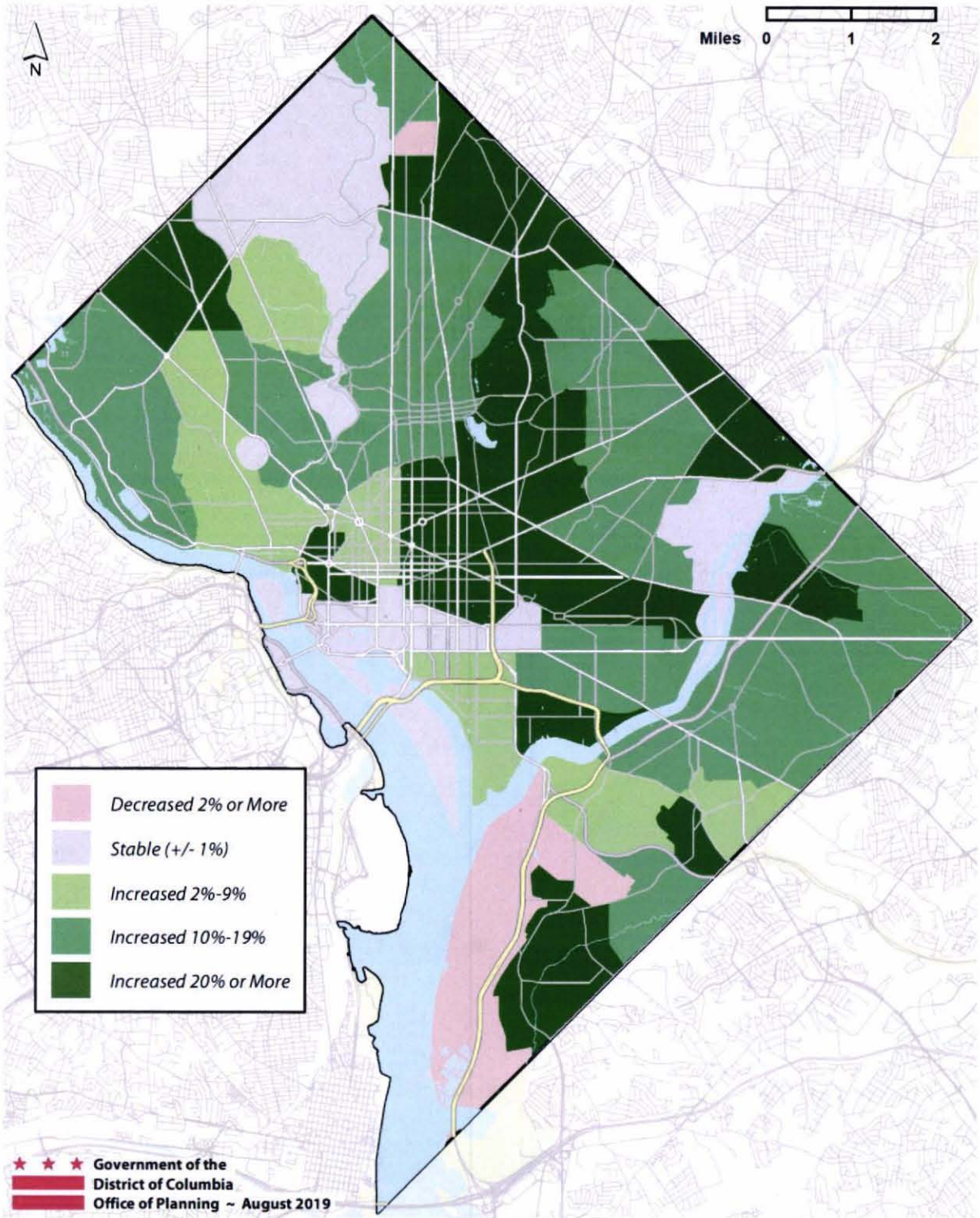
*Clusters that lost population, 1980-2000*



*Clusters that lost >15% of their population, 1980-2000*

Source: OP, 2002

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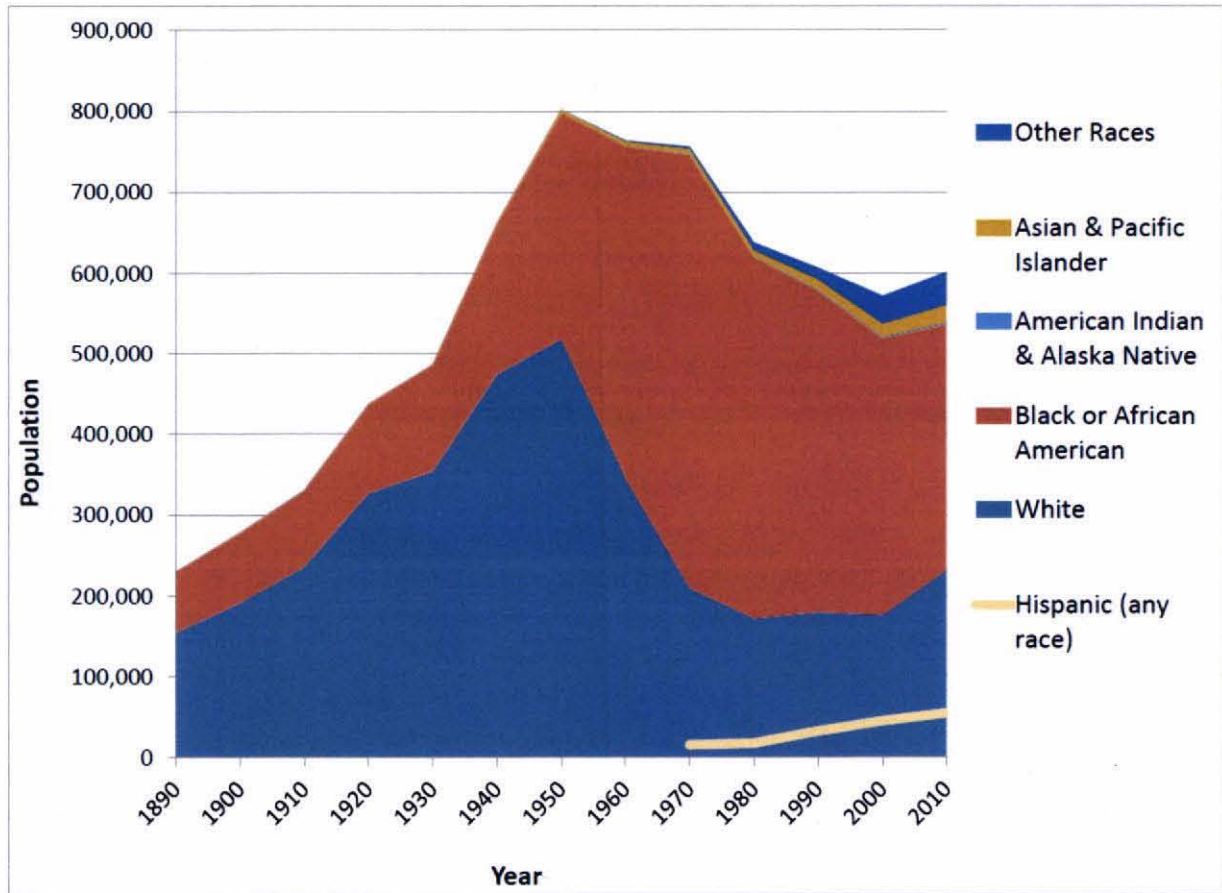
203.7

“203.8 Figure 2.2 illustrates changes to population in the District by race, over time. Unlike the experience of other major cities, the loss of population in Washington was not solely attributable to “white flight.” In fact, between 1980 and 2000, black residents registered the largest decrease among the city’s racial groups, dropping in population by almost 100,000, and this trend continued through 2010, with an additional decline of 38,000 to 310,379. While some black residents left the District for family ties and increased opportunities, the rising costs of living, especially housing costs, became a significant factor. Since 2010, the black population has stabilized and started to grow again, and now represents 46 percent of the total population. Compared to the rest of the District, the current black population is both younger (under 18) and older (over 64). Challenges persist, with black households, including single female household heads, on average earning 68 percent less than white households. While forecasted to increase numerically, the city’s black population will remain below 50 percent of total population through 2025. 203.8

“203.9 There have been steady increases in Hispanic and Asian populations in recent decades. Growth of Hispanic residents started in the 1980’s with foreign migration primarily from countries like El Salvador. This has subsequently shifted to migration primarily from Mexico and Puerto Rico, along with net natural increases from residents. 203.9

“203.10 Figure 2.2 Population of D.C. by Race: 1890-2010

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203.10

“203.11 While population loss after 1950 was significant, the decline in the number of households was much less dramatic. The number of households in the District declined by just 2 percent between 1980 and 2000, standing at 248,000 in 2000. Thus, population loss in the late 1900s was less a function of housing being abandoned and more a result of larger households being replaced by smaller households. In fact, the average household in Washington contained 2.16 persons in 2000, down from 2.72 in 1970. Middle-class families left the city in large numbers during this period and the number of school-aged children dropped dramatically. 203.11

“203.12 The 2006 Plan accurately predicted household size falling through 2010, and then stabilizing. According to the US Census, the percentage of older residents is expected to increase as “baby-boomers” retire, and the percentage of foreign-born residents, particularly those of Hispanic origin, is expected to rise. The District is expected to continue to be a magnet for the region’s young professionals and empty nesters. Its ability to attract and retain young households and families with children rests largely

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on improving the quality of public education and addressing basic issues like crime, provision of services, inventory of, family-sized housing stock, and housing affordability. 203.12

**“204 ECONOMIC CHANGES**

“204.1 On the surface, Washington’s economic picture is the envy of most cities. There are more jobs than residents, and nearly three times more jobs than households. Job growth, important for the city’s economic vitality, has continued throughout this century, with 83,000 new jobs added since 2005 for a total of 798,000 jobs in 2015. Job growth in the professional services, education, and hospitality sectors has outpaced federal employment growth, helping diversify the city’s economy beyond the federal government. Wages in the region are among the highest in the nation. 204.1

“204.2 Job growth has led to declining unemployment. After peaking above ten percent in 2011, unemployment dropped to 6.1 percent in 2016. The diversity of job growth has reduced unemployment across race, education levels, and geography. Yet the city’s unemployment rate is relatively high, hovering between six and nine percent - consistently almost double the rate for the region. Unemployment rates in areas such as Far Southeast/Southwest are still four to five times higher than the regional rate, and disproportionately affect black residents. Yet many District residents do not have the skills to fill the white-collar jobs that drive the city’s economy, and because the District is one of the region’s major job centers and requires some “importing” of workers from the suburbs, more than 70 percent of the jobs in the District are filled by workers who live in Maryland and Virginia. This is essential to the District’s economy: even if every DC resident in the labor force were employed in the city, we would still need almost 400,000 additional workers to fill the city’s jobs. 204.2

“204.3 This imbalance results in a number of problems. The most often cited problem is the District’s inability to tax the incomes of the nearly 500,000 non-residents who commute to the city each day. This daily migration is also accompanied by traffic congestion, air quality problems, and millions of hours of lost productivity. 204.3

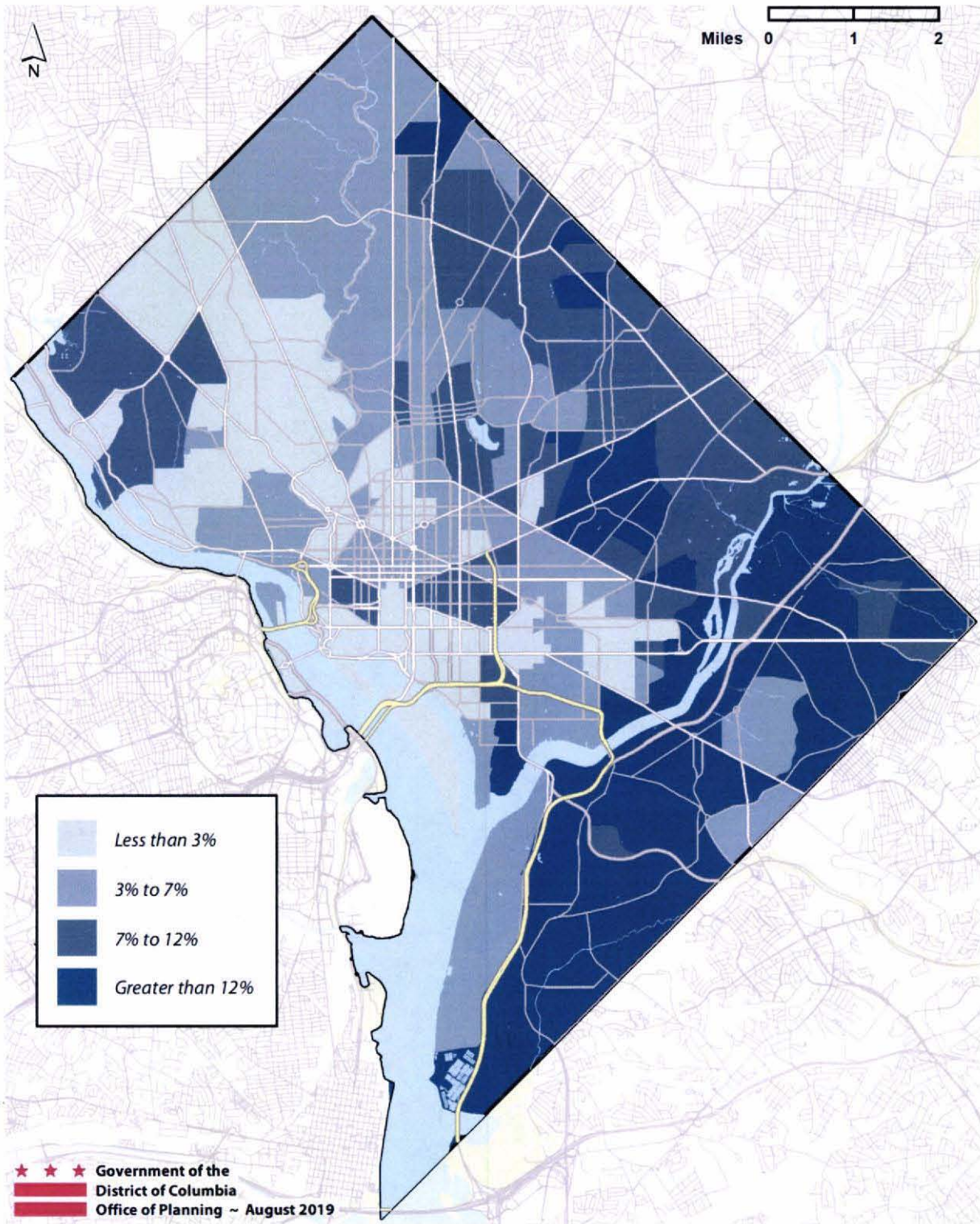
“204.4 Perhaps the more profound problem is the regional income divide. As Figures 2.3 through 2.5 indicate, the District today is a city divided by income, education, and employment. The maps depict this regional pattern within the District, as well as the change the District has experienced since 2006. And, change must be carefully considered: while the neighborhoods of Central Washington have seen a recent decrease in the percentage of those without a college degree or living in poverty, this is attributed to the strong increase in a resident workforce with college degrees, not necessarily improvements for existing residents, so the regional divide persists. “Vision for Growing an Inclusive City” concluded that bridging the income divide was the single biggest challenge facing the District as it plans for its future, and now,

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with nearly 17 percent of residents living in poverty and the cost of living rising, that challenge remains. 204.4

“204.5 Figure 2.3: Unemployment in 2017

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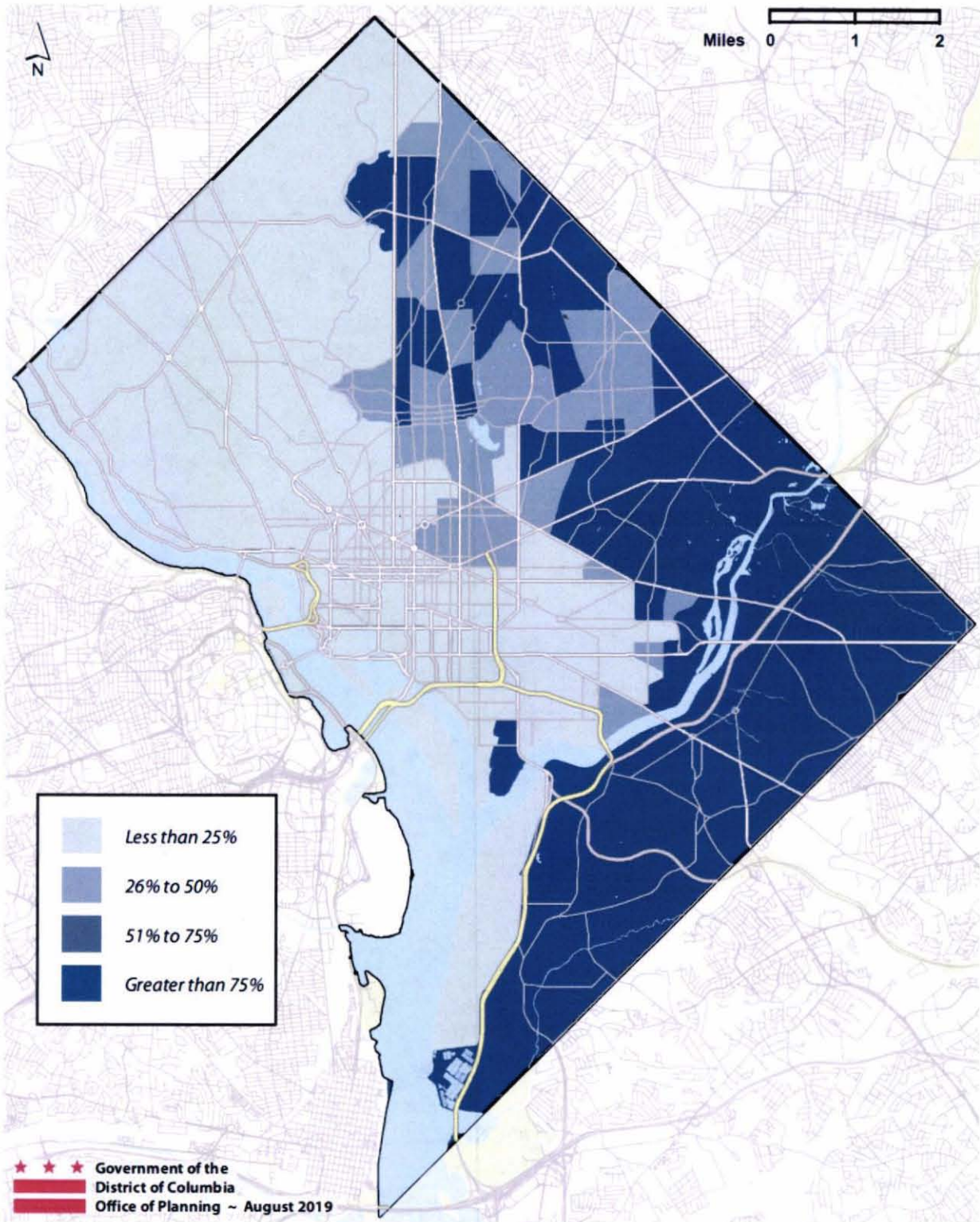




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204.5  
“204.6 Figure 2.4: Persons 25+ Without College Degrees in 2017

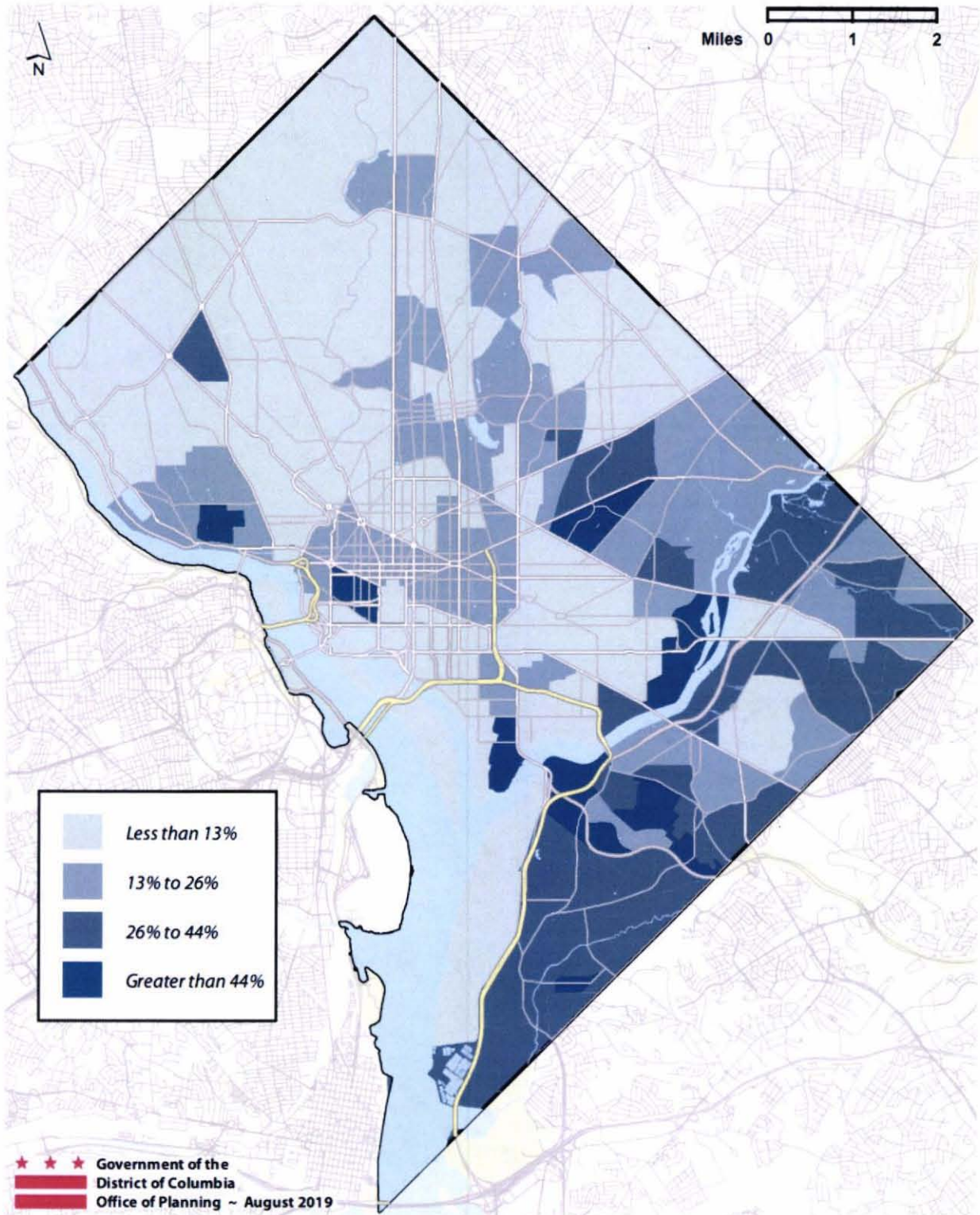
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204.6  
"204.7 Figure 2.5: Poverty Rate in 2017

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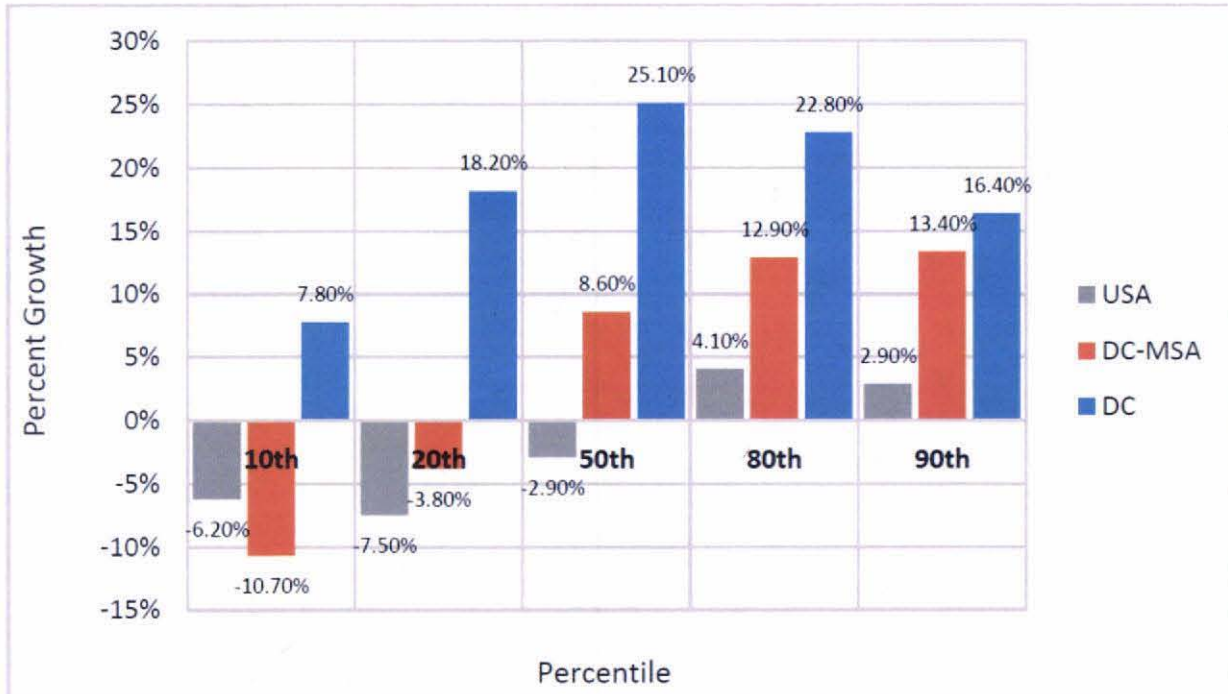
204.7

“204.8 Demographic tables throughout the Comprehensive Plan, including Figures 2.3, 2.4, and 2.5, use the most accurate, up-to-date Census and other data available. At the city-wide level, this may mean data from a single year of the American Community Survey (ACS) and the Annual Estimate of Population. Getting to a neighborhood level requires five years of ACS data. Unless otherwise stated, this data is labeled with the last year the data was collected but represents an average for the whole collection period. Readers should take this into consideration given the rapid rates of change for some neighborhoods. For the decennial census, students residing in the District on April 1, 2010 (census day) are counted as residents of the District rather than residents of their home state. Consequently, data on poverty, age, and other variables reflects student populations in census tracts containing (or adjacent to) universities. The District has accounted for these anomalies within the Comprehensive Plan, and should tailor its anti-poverty, economic development, and similar programs accordingly. 204.8

“204.9 While attracting residents earning higher-wage jobs reflects a strong economy, it is important to consider the resulting growth in income disparities. At the national and metropolitan levels, income from lower-wage jobs has decreased in real terms, while income for workers with higher wages has grown, as shown in Figure 2.6. In the District, the story is somewhat different: wage growth at the lower end improved but importantly has not kept pace with growth for higher wage workers. Growing income disparity is even greater when considering geographic, racial/ethnic, and gender dimensions. 204.9

“204.10 Figure 2.6 Earned Income Growth for Wage and Salary Workers by Percentile: 2000-2014

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204.10

“204.11 From a regional perspective, the District’s employment outlook is positive. Because Washington is the seat of the federal government, it has been insulated from the economic cycles that have affected other regions of the country. The city never had a large industrial base, so it was spared the large-scale job losses experienced in cities like Baltimore and Philadelphia during the 1970s and 1980s. The District was not dependent on technology jobs, so it was spared the downturns affecting places like San Jose and Austin during the early 2000s. Even the downsizing of the federal government in the 1990s was accompanied by a rise in procurement spending that kept the Washington economy strong. The 2013 federal budget sequestration provides a recent example of the District’s economic strength and diversity. Despite the sudden loss of 7,000 federal jobs, the city’s population and total jobs continued to grow.

204.11

“204.12 A factor in the city’s economic growth is its taxes. During the 1980s and 1990s, the District’s reputation in the region was high-taxing: the highest tax rates for sales, business franchise, and real property. Since the Control Board era, the District for the most part has resisted raising tax rates, lowered many of these rates, and from a tax perspective, become more economically competitive in the region. 204.12

“204.13 Washington’s economy is diversifying, which helps during slow federal growth; however, a period of significant and sustained decline in federal employment and procurement would challenge the city’s ability to recover. Further diversifying the

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District's economy will make the city more resilient to this and other economic shocks. A key advantage to the federal presence is its highly educated and skilled workforce, which the private and non-profit sectors can tap as a mutual asset for growth. 204.13

"204.14 But it is hard to consider an economy truly resilient when it does not close the "skills gap" that exists between the needs of local employers and the abilities of many District residents. Future job growth is expected to be concentrated in the services sector, including the business, legal, engineering, management, educational, and social service fields. The Economic Development Element of this Plan emphasizes the importance of closing the skills gap by improving education and job training so that more District residents can fill jobs in these and all other professions and adapt to changing conditions. 204.14

"204.15 Since 2006, the increased demand and competition for housing from a growing number of higher-wage households was greater than anticipated and has made the District one of the most expensive cities to live in the country. Between 2011 and 2016, the cost of purchasing a home rose 50 percent, while renting costs rose 18 percent. Increasing rental housing costs make it difficult for lower or even moderate-income residents to live in the city. The absolute number of low-cost rental units (less than \$800/month) declined by half between 2003 and 2013, while the number of higher cost units increased. Units with rents of \$1000 or less made up 59 percent of the total rental stock in 2002; in 2013 those units comprised only 34 percent of the total stock. The District now has a large percentage of high- and low-income households, with relatively few in the middle-income range – the "missing middle." Housing costs, along with income inequality, are perhaps the central challenges to maintain and grow an inclusive city. 204.15

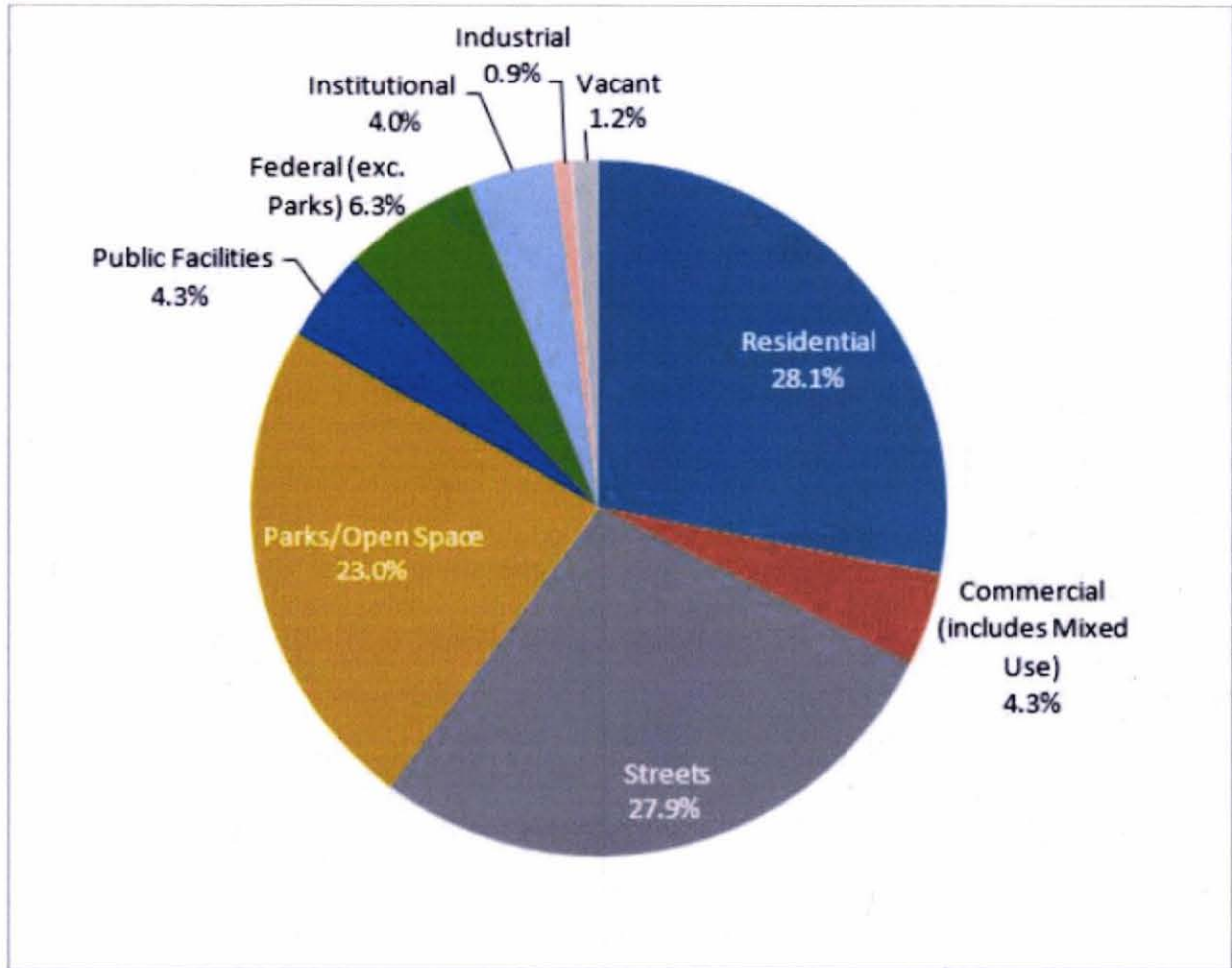
**"205 LAND USE CHANGES**

"205.1 In terms of land area, at 61 square miles Washington is not a large city. It is half the size of Denver or Philadelphia, and one-fifth the size of Dallas or San Diego. It is hemmed in by adjacent cities and states and cannot grow through annexation. In 2017, it had over 11,000 people per square mile. Moreover, federal lands comprise almost 40 percent of the land in the District, making land a precious and limited resource. 205.1

"205.2 Figure 2.7 shows how land in the District (including federal land), is currently used. About 28 percent of the city is developed with housing, and more than one quarter is developed with street rights-of-way. About 20 percent of the city's land area consists of permanent open space, including federally managed sites such as Rock Creek Park and the National Mall. About 465 acres of the city – or 1.2 percent of its land area – consists of vacant land. 205.2

"205.3 Figure 2.7: Land Use Distribution, 2016

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205.3  
“205.4 These statistics do not tell the full story of land use in the District. For over a century, building height has been regulated by the federal Height of Buildings Act of 1910 (Height Act). The Height Act limits building height through a street-width-to-height ratio, restricting the construction of buildings to a maximum height of 130 feet in most of the downtown areas and along major avenues. The Height Act gives the city a distinctive low visual profile. In 2014, following a joint federal-District study of the Height Act, Congress made modest amendments to address penthouse height and use. In addition, there are dozens of federal and local historic districts where capacity for growth is additionally governed. Development proposals must complement the historic district in context-sensitive ways. Many areas that are not “officially” historic also require careful consideration of development proposals to ensure compatibility.  
205.4



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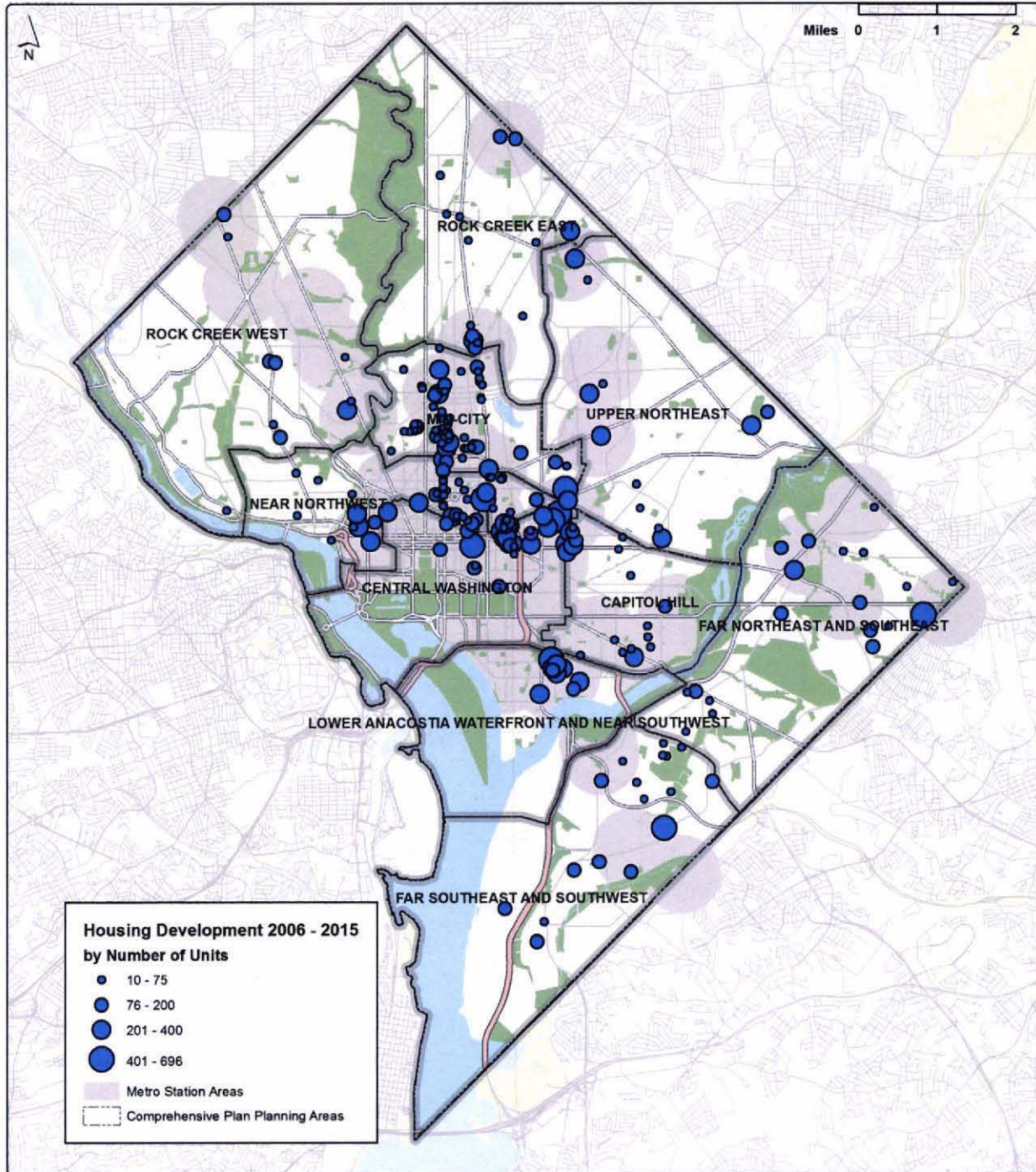
- “205.5 These regulations guide development, with substantial room for growth in the District of Columbia. Key opportunities include government lands, underused commercial and industrial sites, and vacant buildings that can be repurposed and/or redeveloped. Sites vary in scale from areas with significant acreage to smaller infill lots. Many opportunities for growth are located east of the Anacostia River. Together, these areas hold the potential for thousands of new units of housing and millions of square feet of office and retail space. 205.5
- “205.6 While there is substantial room for growth under current zoning, various non-regulatory factors restrict this capacity. In some areas, a real or perceived lack of services, amenities, and assets, such as transit, libraries, quality schools, grocery stores, or retail, discourages investment. In other areas, opportunities to develop above existing buildings, such as adding several stories of housing above an existing office or retail building along a commercial corridor, are intentionally deferred. In these cases, property owners wait until market conditions make redevelopment more financially lucrative. And, there are sites potentially suitable for additional development through an entitlements process (a Planned Unit Development) that instead are developed “matter-of-right” (to existing zoning standards), forgoing additional capacity. These factors, particularly to the extent they limit housing and affordable housing production or other desired uses, represent missed opportunities for the District to grow inclusively. 205.6
- “205.7 Fitting such development into the fabric of a mature city creates a number of challenges. One is displacement, a threat that has become more real in the District as the cost of housing and other real estate has increased due to rising demand that has not been met with proportional supply. Displacement not only affects District residents – particularly those of lower income – it also affects businesses, non-profits, and municipal operations that may be displaced by rising rents and land prices. 205.7
- “205.8 Whether the issue is displacement, the siting of locally undesirable but necessary uses, parking impacts, or threats to neighborhood character and stability, the development or redevelopment of land creates tension in the District of Columbia. This tension will only mount as growth pressures increase, making it even more important to have sound land use policies, urban design processes, and development review procedures that mitigate the effects of the District’s competing and conflicting goals. 205.8
- “205.9 Figure 2.8 depicts the location of residential development in the city between 2006 and 2015. Of the 28,955 units of housing added, 88 percent were within a half mile of a Metro station area, about 25 percent were located in Central Washington, and 15 percent were located in Near Northwest. The Mid-City and Rock Creek Park West areas each absorbed about 18 and three percent, respectively, of the District’s housing growth. About 12 percent of the new housing units were located east of the Anacostia River in the Far Southeast/Southwest and Far Northeast Southeast Planning Areas.

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However, some of this housing replaced units that were demolished, resulting in a smaller net increase. 205.9

“205.10 Figure 2.8: Housing Development Activity, 2006-2015

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The District of Columbia



Office of Planning ~ February 17, 2017  
 Government of the District of Columbia

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

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205.10

**“206 HOUSING COST CHANGES**

- “206.1 The rising cost of housing is one of the most pressing and critical issues facing the District and the region. To achieve our goal of an inclusive city, we must meet the challenge of providing housing for a variety of household types, including families, the elderly, and the homeless; housing for owners and renters; housing for existing and new residents; workforce housing; and housing affordable at all income levels. Tied in with housing cost issues are deeper concerns about displacement, the impacts of gentrification, and long-term competitiveness. 206.1
- “206.2 In the District, market rate housing costs have steadily climbed as demand has increased with population growth. Since the economic recovery began in 2010 through 2017, the median sales price of single-family homes and condominiums have increased 7.3 and 2.8 percent per year, respectively. Average rents have increased 3.8 percent per year. Cost increases are driven by several factors, including: the strong and growing economy; migration into the city; increasing length of residency; growth of high paying jobs; increasing educational attainment levels among newer residents (which correlates to income); and an increase in higher-income families having and raising children in the District. These factors have produced particularly strong demand for housing near Metro stations and for family housing with three or more bedrooms. 206.2
- “206.3 In general, increased demand has prompted rising rents for older housing units, conversions of rental units to ownership units, and demolition of older buildings for redevelopment. The result has been a reduced supply of less expensive housing and a lower availability of lower cost market rate, or “naturally occurring” affordable housing. The District’s public housing stock is in a state of serious disrepair, and addressing these needs is further hampered by diminished federal funding. In addition, workforce housing to serve the needs of the District’s teachers, nurses, police and fire personnel, and other essential workers must also be considered. 206.3
- “206.4 For many lower income households, increasing housing costs have become difficult to afford, in part because their income growth has not kept pace with increased costs. Most lower income residents are financially burdened by housing costs, which can lead to displacement from their neighborhood, or even the District. In addition, housing insecurity has negative impacts on household health, school performance, job access, and other indicators of wellbeing. Residents of color are a majority of lower-income households in the District and, therefore, face a disproportionate share of the problems caused by housing insecurity and displacement. 206.4
- “206.5 Between 2006 and 2017, the supply of rental housing units expanded dramatically, while the supply of affordable units declined. Most of the new units were higher-cost, studio, one-, and two-bedroom apartments affordable to households earning at and

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above median income. During this period, due to new construction and rising rents of existing supply, the total supply of rental units affordable only to those households earning more than 60 percent of the Median Family Income (MFI) increased by almost 44,765. In contrast, the total supply of rental units affordable to households earning less than 50 percent of the MFI declined by approximately 22,000 units, from 72,000 units in 2006 to 50,000 in 2017. At the same time, there was a modest gain of 2,500 units affordable to households with incomes between 50 percent and 60 percent of the MFI. Almost 7,000 of the District's roughly 8,000 public housing units are currently in critical condition or worse, which may lead to a reduction in affordable housing stock for lower-income households. 206.5

"206.6 Rising housing costs and decreasing availability of affordable housing are causing more households to be severely burdened, which means their housing costs consume more than 50 percent of household income. In 2017, more than 42,800 households were severely burdened by rental housing costs, while another 32,600 rental households were burdened by housing costs consuming 30 to 50 percent of their income. These households must reduce expenditures on other necessities, such as food and health care. Further, households that are severely burdened by housing costs must often choose between a home that is in a desirable location – close to their community, jobs and/or services – and a home that is more affordable. 206.6

"206.7 By comparison, the number of households burdened by ownership costs significantly decreased between 2006 and 2017. This decline is attributable to several factors, including older, lower-income households selling their homes to the growing number of younger households starting families, as well as high rates of foreclosure during the financial crisis that started in 2008. Lower- and middle-income households wishing to buy a home now have fewer options. This phenomenon may reinforce racial patterns of settlement in the District and/or create additional market pressure on the housing prices in eastern neighborhoods. 206.7

"206.8 Increasing costs and a decreasing supply of naturally occurring affordable housing are affecting the types of households that are staying in the District. Figure 2.9 illustrates the change in households by income in the District between 2006 and 2017. The number of extremely low-income households increased by less than 500 households even as more of these households became severely burdened by rental housing costs. There was a notable decline in low- and moderate-income households as many residents sold or lost their homes, resulting in a decrease of more than 15,600 households in this income range. Finally, Figure 2.9 shows that the number of higher-income households increased by almost 37,600. This data highlights the importance of preserving and developing housing affordable to low- and extremely low-income households. 206.8

"206.9 Figure 2.9 Net Change in the Number of District Households by MFI: 2006-2017

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MFI	≤30%	30%-50%	50%-80%	80%-100%	100%-120%	>120%	Total
Households	447*	(7,695)	(7,919)	5,436	3,145*	37,608	31,022

Source: US Census ACS PUMS 1-Year Data, DC Office of Planning.

\*Change not statistically significant at the 90 percent confidence interval.

206.9

“206.10 These patterns of household change have affected the District’s neighborhoods in varied ways. For example, the greatest decline in the number of lower income households was in Capitol Hill and Upper Northeast, whereas the greatest increase in higher income households was in Central Washington. Affordable housing is unevenly distributed across the District. The Rock Creek West area has fewer than 500 subsidized affordable units, while areas east of the Anacostia River provide over 25,000. While the need for affordable housing, particularly deeply affordable housing for low- and extremely low-income households, affects the city, discrete challenges vary at the neighborhood level. 206.10

“206.11 The District has taken enormous strides toward strengthening its affordable housing infrastructure. The city has some of the strongest tenant protection provisions in the country; the highest level, per capita, for affordable housing investment; the lowest residential real property tax rate in the region; and provides additional discounts for seniors and renters. It has innovative programs such as tax abatements to stimulate the development of workforce housing. From 2015 to 2018, the District of Columbia has successfully delivered, through subsidy or inclusionary zoning, 5352 new or preserved affordable housing units. The District is also committed to addressing temporary or permanent displacement of residents with programs and policies tailored to community needs. For example, the principles for the District’s New Communities Initiative include one-to-one replacement of existing affordable housing, Build First, mixed-income housing, and opportunities for residents to return and/or stay in the community. Still, more systemic work is needed to address the impacts of rapid population growth in the District and across a region that is broadly lacking sufficient affordable housing. 206.11

“207 **MOBILITY AND ACCESS CHANGES**

“207.1 The Washington region faces significant transportation challenges. While road congestion remains a top issue for many in the region, District residents, commuters, and visitors also experience issues with transit capacity and reliability, as buses, railcars, and station platforms are crowded at peak use. The safety and reliability of the region’s transportation system – from Metrorail to pedestrian and cyclist networks – are continuing concerns. Funding to maintain the existing transportation system, let alone expand the system to meet increased demand, is severely constrained. 207.1

“207.2 Regionally, areas close to transit have become highly desirable as households and employers attempt to reduce travel time and costs. Between 2015 and 2030, approximately 78 percent of all development in the District will be within a half mile

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of a Metro station. Regional and District efforts support directing growth toward transit-rich locations, taking advantage of existing infrastructure and maximizing transportation efficiencies. Looking forward, increased investment in bus and rail transit, pedestrian and bicycle facilities, and other modes of travel, will be needed to sustain population and economic growth and ensure a resilient, robust network increasing accessibility for all. 207.2

“207.3 The District already has one of the most extensive transit systems in the country and ranks second only to New York in the percentage of residents using transit to go to work. The Metrorail and bus systems complement the city’s radial roadway system and maximize the movement of people across the city. While Metro remains one of the safest and cost-effective means of travel in the region, years of deferred maintenance have led to problems with safety and reliability requiring sustained investment and new regional approaches to funding. In addition, parts of the Metrorail system are approaching capacity. Many of those who need transit the most, including low-income households and those with special needs, do not have equitable access to transportation options. Transit often does not connect District residents to jobs in the suburbs, and it may be expensive or difficult to access. 207.3

“207.4 At the same time, the District’s multi-modal transportation network has diversified and seen significant improvement, such as protected bicycle lanes, wider sidewalks, signalized crosswalks, the DC Circulator system, the streetcar, and prioritized bus corridors. A good example is the Capital Bikeshare system. Since its creation in 2010, the bikeshare system has grown to almost 450 stations and 3,700 bikes across the District and the region. The District also supported infrastructure changes and other strategies to make pedestrian and bicycle environments safer and more accessible. For example, District residents commuting to work by biking or walking increased by 70 percent to over 66,400 commuters from 2006 to 2017. Car-sharing, ride-hailing, and other new approaches provide additional travel options but also present challenges. 207.4

“207.5 The District’s Sustainable DC goals have set targets to reduce the share of commuter trips made by car to 25 percent by 2032, while increasing transit mode share to 50 percent and walking and cycling to 25 percent. To further these goals, additional investments will have to be made in high capacity transit improvements, an expanded network of bicycle and pedestrian infrastructure, and rethinking of road and curb space. Access to the multimodal transportation network must be equitable across the District. 207.5

“207.6 Technological innovations will continue to disrupt how we get around and receive goods and services. Increasingly, people have the technology and services to work from multiple locations, changing commute patterns and workspaces. Private sector firms offering transportation services such as car-sharing, ride-hailing, or scooters have proliferated in the District. Delivery firms are exploring new ways to deliver

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goods, including sidewalk drones. While new technology platforms can increase convenience for some, research suggests a correlation between ride-hailing and reduced public transit use, increased vehicle miles travelled, and increase traffic injuries and fatalities. Serious questions remain about the impact of widespread adoption of autonomous vehicles. These changes result from a demand for alternative transportation modalities to improve mobility, and public policy and regulation are necessary to ensure their implementation is safe, inclusive, accessible, and sustainable. 207.6

“207.7 While multi-modality and new technologies are important, most important is linking land-use decisions to transportation capacity. Our existing infrastructure primarily accommodates privately owned vehicles, often making it difficult or unsafe to use public transit or bicycles, or to walk. Moving forward, our infrastructure must be upgraded and built to provide a multimodal transportation network that is safe and equitably accessed across the District. 207.7

“208 ENVIRONMENTAL CHANGES

“208.1 The District of Columbia was sited to take advantage of the unique environment and landscape at the confluence of the Anacostia and Potomac Rivers. Urbanization over the last 200 years has compromised almost every aspect of this environment, leaving our rivers and streams polluted, air quality that struggles to meet federal standards, and a city where heavy tree cover remains inadequate. On a global level, issues such as greenhouse gas emissions, climate change, sea-level rise, and deforestation may have even more far-reaching impacts on the way we live and work in the future. There is a greater potential for increased rainfall and flooding from more damaging storms in the District. Extreme heat conditions are more likely, exacerbated by the city’s urban heat-island effect, that disproportionately affect vulnerable residents. 208.1

“208.2 This Plan incorporates and builds upon the 2018 Sustainable DC 2.0 plan and 2016 Climate Ready DC plan. Sustainable DC makes a conscious effort to promote natural resource conservation and environmental sustainability. It incorporates measurable goals such as reducing citywide energy consumption by 50 percent, sending zero solid waste to landfills, reducing total waste generation by 15 percent, and making the Anacostia River fishable and swimmable by 2025. These goals can only be achieved through fundamental changes in the way we live and the way we build. Green building and “low impact development” must be the norm rather than the exception. The concept of sustainability is an important theme for the Comprehensive Plan, including the renewal of brownfield sites, stormwater runoff mitigation, increased use of distributed energy resources like residential solar, and a renewed commitment to environmental justice in all neighborhoods of the city. Doing so requires a racially equitable approach that ensures the District’s ecosystems are inclusive and



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interconnected, and strives to evenly distribute opportunities, benefits, and safeguards throughout the city. More specifically, this means ensuring that communities of color are not saturated with landfills, hazardous waste sites, and other industrial facilities. Climate Ready DC identifies the impacts a changing climate will have upon the District; the risks to infrastructure, public facilities, and neighborhoods; and the actions to take now and in the future to prepare. 208.2

“208.3 The challenge and opportunity going forward is to identify and implement new technologies, designs, and urban development that accommodate population and economic growth, better protect natural resources, minimize future environmental degradation, reduce greenhouse gases, and prepare the city for a changing climate. 208.3

“209 **TECHNOLOGY CHANGES**

“209.1 Technology is rapidly changing how we live, work, and travel and it will continue to shape the District in unexpected ways. Since the 1980s, telecommuting has changed travel patterns, on-line purchases have changed retailing, and e-mail has changed the way business and government operate. For instance, working from home is one of the fastest growing ways employees “commute” to work. Mobile computing, self-driving cars, new construction methods, green technology and other advances will have new and unexpected impacts on our lifestyles, how the city makes development decisions, and the shape of future growth. 209.1

“209.2 It is hard to fathom how advancements yet to be made will affect us in the future. The only thing that is certain is that technology will change our lives, with potentially profound spatial impacts. Such change may have more of an impact on Washington than it might on other cities, given the city’s role as a global and intellectual capital. The city is already a center of the information economy and has demonstrated a strong pull for innovators from around the country and the world. In Washington, economic activity is becoming less reliant on a place-based office, with implications for the social spaces where people meet. In addition, the potential decline in demand for high-value office space has fiscal implications for commercial real estate. 209.2

“209.3 The District should also ensure its plan for preserving and improving its neighborhoods is evidence-based and data-driven. The District should take advantage of any technologies it possesses that inform public policy. Risk terrain modeling, for example, is a predictive tool that explores the relationship between public safety and certain environmental features, including parks, transportation infrastructure, vacant or blighted properties, and businesses. The model allows the District to identify environmental features that impact public safety, coordinate a targeted response to address those features, and evaluate the success of that response. 209.3

“209.4 One aspect of technological change is its potential to deepen economic divides in the city. In 2004, the National Poverty Center reported that 85 percent of the nation’s

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white children had access to a home computer, compared to just 40 percent of black and Latino children. Recent Census data suggests the District has made significant progress in this area, but gaps remain as effectively 100 percent of white children and 89 percent of black children have access to a computer. Access to technology will be an important part of improving the well-being of District residents in the future. This will place a premium on education and training, and an emphasis on providing residents with the skills to use technology and access information. 209.4

- “209.5 Finally, rapid advances in technology present new opportunities for how the District identifies problems and tests solutions. The ability to collect and analyze large amounts of data from a variety of sources goes well beyond traditional Census data. Many aspects of urban life are now tracked by public or private entities. From bike-share station usage to the deployment of health inspectors based on environmental conditions, a new era of “smart cities” is rising. With it comes an opportunity to monitor, predict, and respond quickly to new problems, but it also presents new challenges to information security and maintaining the privacy of our citizenry. A key challenge is to adapt technology to our historic urban city rather than force the city to adapt to technology. 209.5

**“210 SECURITY CHANGES**

- “210.1 Security is not a new concern or challenge in the District of Columbia. As a capital city, we are used to a heightened level of risk and the visibility of extra security personnel. The city’s public spaces, such as the National Mall, routinely attract large crowds for events and First Amendment gatherings that require support. As an urban center, we also face daily concerns about personal safety and crime. But security concerns have taken on a new meaning since 9/11. The attacks on Washington and New York changed the psyche of our city and ushered in an uncertainty about the future that still persists. 210.1
- “210.2 Since 9/11, we have sought to balance beauty, access, and openness with the need to protect our landmarks, government buildings, officials, workers, residents, and visitors from danger. The federal government has strived to discourage acts of terrorism through the design and management of public spaces and buildings, including the closing of some District streets and retrofitting of major landmarks. Security issues have been cited in decisions to shift the federal workforce to more remote locations. They also have resulted in design standards for federally leased space that will reverberate through the regional office market for many years to come. 210.2
- “210.3 Washington’s security issues are ongoing and evolving. Indeed, cyber-attacks affecting critical infrastructure and services have emerged as a new threat. As more of the population moves close to our waterways, there are particular security concerns, including access for first responders in areas where public infrastructure is

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still being improved. The need to balance our desire for safety, accessibility, and aesthetics, while maintaining an open, democratic, and resilient society is one of the important challenges that this plan seeks to address by introducing approaches to prepare for, and recover from, events regardless of cause. 210.3

**“211 FISCAL CHANGES**

- “211.1 When the District received limited Home Rule in 1973, it incurred a variety of cost burdens, including the responsibility for providing many services that are typically provided by states. Revenue restrictions also were imposed, including the inability to impose a “commuter tax” on income earned in the city by non-residents. Moreover, a large amount of land in the city is owned by the federal government and therefore not subject to property tax. Indeed, 61 percent of all property in the District is non-taxable, and more than two-thirds of the income earned in the District cannot be locally taxed. These burdens and restrictions are estimated to cost the District well over \$1 billion per year. 211.1
- “211.2 A well-publicized target of adding 100,000 residents to the city’s population, set in 2003 as a way to boost the number of taxpaying residents, has been largely successful. Economic and population growth has dramatically expanded our tax revenues, and fiscal discipline has improved the District’s credit rating and funded a \$1.3 billion reserve. Growth and an expanded tax base have enabled the District to direct additional resources toward vulnerable populations in need of affordable housing, workforce development, and human services. The District has also worked to increase the income of current residents, which can in turn lift families out of poverty, generate tax revenues, and reduce social-service costs. A key component of improving the city’s fiscal health as well as the economic prosperity of its residents, is to increase the number of employed residents and thus the economic and tax base of the city. 211.2
- “211.3 Fortunately, economic growth in the city has helped improve the District’s fiscal standing. In the 1990s, the District was on the brink of bankruptcy. The situation has improved markedly, as a result of actions taken by the Government of the District of Columbia. Despite the optimistic forecasts of the Comprehensive Plan, there is no guarantee that this good fortune will last. Prudent action and fiscal responsibility are needed to avoid problems should future downturns take place. 211.3
- “211.4 The District’s fiscal situation will continue to influence land-use and economic-development choices. It is currently driving the redevelopment of large former federal sites with tax-generating uses, creation of new retail centers that reduce the “leakage” of sales-tax dollars to the suburbs, and mixed-use development downtown and elsewhere. Such efforts mitigate fiscal challenges, but do not eliminate them. The most effective strategies will combine revenue-raising strategies like population and

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job growth with strategies investing in people – like breaking the cycle of poverty in District neighborhoods. 211.4

- “211.5 A key consideration is that the city has benefitted from increasing revenues as a result of growth, while not experiencing increasing costs to the same degree. Between 2006 and 2016, the city had the ability to grow into its under-utilized infrastructure, such as schools, transit and electrical networks, that had largely been developed and paid for prior to the 1980s. The same cannot necessarily be counted on going forward. Already, significant reinvestment was required to resolve long-deferred maintenance and create high-value assets such as DC Public Schools and DC Public Libraries. These investments have left the District with a relatively high debt-per-capita level. Moving forward, the District must creatively address infrastructure financing to maintain and build capacity for anticipated future growth. 211.5

“212 **GLOBAL CITY, LOCAL CITY**

- “212.1 One of the most obvious forces influencing planning in the District is the city’s dual role as a world capital and a residential community. There is the Washington of lore, the city of inaugural parades, museums, and monuments – the place that school textbooks describe as “belonging to all of America.” And there is the city most of us know, comprised of neighborhoods, shopping districts, schools, corner stores, churches, and parks. Even the Comprehensive Plan itself is divided into District and Federal Elements, suggesting that federal interests may not always align with the goals of the city’s residents and businesses. 212.1
- “212.2 The tension between Washington’s global and local roles plays out in a number of ways. Foremost, our citizenry seeks an equal voice in the federal system through statehood, supported by 86 percent of the District’s voters in 2016. Conflicts around fiscal issues and security have already been noted. Issues such as embassy siting, plans for federal lands, funding for Metrorail, and Congressional oversight on local land-use and public-facility decisions have been the focus of much debate and discussion in the past. The District itself seems partitioned at times, with the federal government functioning as a “city within the city.” 212.2
- “212.3 Yet in spite of these conflicts, the “federal presence” remains Washington’s most prominent and visible asset. It provides tens of thousands of jobs for District residents, attracts millions of visitors to the city, and sustains cultural institutions that would not otherwise be possible. This influx of workers and visitors contributes to a doubling of the District’s daytime population. It makes Washington an international and multi-cultural center, second only to New York on the eastern seaboard. The federal presence requires that our plans take a broader perspective than the metropolitan region and approach these tensions between global and local functions with a sense of shared stewardship that benefits all. 212.3

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- “212.4 The District’s role in the world economy has become increasingly important during the past 60 years. In the early 2000s, the Association of Foreign Investors in Real Estate ranked Washington as the top city in the world for foreign investment for three consecutive years. Foreign investment still plays an important role in many of the District’s revitalization projects. In addition, the Washington region is one of the leading gateways for immigration into the United States. We are home to such institutions as the World Bank and International Monetary Fund. Our emergence as a global center has implications for our communication systems, our transportation and infrastructure needs, our cultural life, and our real estate and development markets. 212.4
- “212.5 These changes create vast potential for increased prosperity. But they also create the threat of disruption and a changing identity for many parts of the city. City plans must clearly articulate the values to be preserved and the people and places to be protected as we contemplate where we as a city hope to be in 25 years and beyond. 212.5
- “212.6 The city’s visibility is an opportunity to exhibit global leadership. The District has already established its leadership in resilience, sustainability, and inclusion through partnerships and participation in initiatives such as the Paris Climate Agreement and the Compact of Mayors, and as the first global city to achieve Leadership in Energy and Environmental Design (LEED) Platinum status. 212.6
- “213 PLANNING FOR RESILIENCE AND EQUITY**
- “213.1 The second Plan amendment cycle incorporates resilience and equity as new cross-cutting themes through which to plan for the District’s future, referencing the 2019 Resilient DC plan and other related documents. 213.1
- “213.2 Resilience in the District is defined as the capacity to thrive amidst challenging conditions by preparing and planning to absorb, recover, and more successfully adapt to adverse events. Resilience planning recognizes the volatility of the forces driving change. Ideally, we want to capitalize on positive impacts, and diminish negative impacts of the forces driving change. 213.2
- “213.3 Considering shocks and stresses helps one to understand the District’s vulnerabilities. Shocks are sudden, acute disasters like storms, flooding, cyber-attacks, or economic crises, such as the 2008 Great Recession. Stresses are “slow-burning disasters” that weaken the city every day and are magnified by shocks: these include poverty, trauma, housing insecurity, and stressed transportation systems. 213.3
- “213.4 The District’s resilience goals focus on inclusive growth that benefits all residents, preparing for the impacts of climate change, and embracing advances in technology while minimizing the negative impacts of change. Ensuring that every neighborhood is safe and our residents are healthy is one way to have a more resilient city. Being more resilient strengthens our collective capacity to thrive in the face of shocks and stresses. Building resilience is about addressing everyday stresses, which not only

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- makes our city more inclusive, but enables the District to recover more quickly from catastrophic events. Incorporating resilience into the Comprehensive Plan is critical to achieve our goals. 213.4
- “213.5 As an example, the stress of poverty, combined with substantial population growth, has created a housing affordability crisis that must be addressed. The need for more housing, and more affordable housing, has become an important policy goal that, if addressed and achieved, will help the city be more resilient. 213.5
- “213.6 The District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality. 213.6
- “213.7 Equitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant. Equitable development holistically considers land-use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities. As the District grows and changes, it must do so in a way that encourages choice, not displacement, and builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes and share in the benefits of the growth, while not unduly bearing its negative impacts. 213.7
- “213.8 The District must also commit to normalizing conversations about race and operationalizing strategies for advancing racial equity. Racial equity is defined as the moment when “race can no longer be used to predict life outcomes and outcomes for all groups are improved.” 213.8
- “213.9 As an outcome, the District achieves racial equity when race no longer determines one’s socioeconomic outcomes; when everyone has what they need to thrive, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. As a process, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color. Applying this lens also reflects the targeted support to communities of color through policies and programs that are aimed at centering – focusing on their needs and barriers to participate and make informed decisions – and eliminating racial divides, all while taking into account historical trauma and racism. 213.9

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“213.10 The District’s policies and investments should reflect a commitment to eliminating racial inequities. Addressing issues of equity in transportation, housing, employment, income, asset building, geographical change, and socioeconomic outcomes through a racial equity lens will allow the District to address systemic and underlying drivers of racial inequities. 213.10

“214 **LOOKING FORWARD: GROWTH FORECASTS**

“214.1 The forces driving change described in the previous sections suggest a different future for the District of Columbia than was imagined when the 1984 Comprehensive Plan was drafted. The 1984 Plan sought to prepare the city and neighborhoods for a period of long-term population and economic decline. Even the Ward Plans prepared during the early 1990s focused on preventing neighborhood decline and unwanted intrusions. In 2006, the new Comprehensive Plan responded to a different outlook: it anticipated growth. Since then, the District has experienced rapid growth, even as the nation recovered from a major recession. Today, the continued strength of the Washington economy, coupled with transportation and environmental limits to regional expansion, suggest that the city will continue to grow and capture a larger share of the region’s growth in the future than it has in the past. This assumption is bolstered by an unprecedented amount of development in the “pipeline” and joint federal/District proposals for federal land transfers. 214.1

“214.2 Unlike revenue forecasts that often have conservative growth estimates to ensure fiscal responsibility, more optimistic growth assumptions are appropriate in the context of the Comprehensive Plan to ensure adequate provision for future infrastructure, housing, and other development needs. At the same time, a wide array of risk factors is considered that could affect future growth. 214.2

“214.3 The growth forecasts used in this Comprehensive Plan are driven by three factors: land supply, demand, and regional growth projections. Unless otherwise noted, values were prepared in 2015-16 by the Office of Planning. Each of these is described below. 214.3

“215 **LAND SUPPLY**

“215.1 Land supply in the District of Columbia includes “pipeline” sites, vacant infill sites, underutilized sites, large sites, and other sites. These categories are mutually exclusive, meaning there is no double counting between them. 215.1

“215.2 Pipeline sites are sites where specific development projects are already planned or under construction. Such sites comprise over 1,300 acres in the District. They represent 60,000 housing units and about 42 million square feet of non-residential space. The degree of certainty that these projects will be built by 2030 is relatively high. 215.2

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- “215.3 In 2013, the District undertook a comprehensive analysis of land-use capacity as part of its joint study of the Height of Buildings Act with the National Capital Planning Commission. The analysis looked at the unused potential capacity from the development of privately owned vacant and underutilized sites. Vacant infill sites comprise about 505 acres in the District and are not associated with any particular project or proposal. They are generally less than ten acres and include a mix of privately-owned properties and publicly owned sites. Some 426 acres of this land are residentially zoned, including about 121 acres of multi-family zoned land, and 306 acres of land zoned for single family and rowhouses. About 53 vacant acres are commercially zoned and 23 vacant acres are industrially zoned. While vacant lots occur in all parts of the city, about 30 percent of the city’s vacant land is located east of the Anacostia River. 215.3
- “215.4 Underutilized sites comprise about 849 acres. For the purposes of the Comprehensive Plan, these are defined as privately owned properties zoned for either multi-family residential, commercial, or industrial uses where the property improvements represent less than 30 percent of the potential built capacity under the Comprehensive Plan’s land-use designations and zoning. An example is a one-story storefront on a property where four or more stories are permitted. This does not necessarily mean these uses should be displaced – it simply means the private market will create pressure to replace them over time. The underutilized sites tend to be clustered along mixed-use corridor streets such as Wisconsin, Connecticut, Georgia, Martin Luther King Jr, Nannie Helen Burroughs, and New York Avenues, and Benning Road. 215.4
- “215.5 Large sites in the District include about a dozen properties or clusters of adjoining properties, with the potential for reuse during the next 20 years. They range in size from 25 acres to over 300 acres. They include sites that already contain extensive development, like DC Village and Reservation 13, and sites that are largely vacant, such as Poplar Point and the McMillan Reservoir Sand Filtration site. These sites hold many possibilities for the future, from large mixed-use communities to new parks and open spaces, public facilities, and infrastructure. In total, the large sites represent about 1,500 acres. Some have already been master-planned for new uses; the future of other sites has yet to be determined. Some are federally owned, and some are owned by the District. The Office of Planning estimates that federally owned sites will account for less than 10 percent of the District’s job and household growth through 2025. 215.5
- “215.6 There are many other sites in the District where development could occur. Despite an overall decrease in the number of vacant buildings, some of these buildings can be renovated and others are likely to be demolished and replaced. There are also freeways and railyards where development could occur in the air rights above the existing uses. There are at least four aging housing projects that have been identified as possible “new communities.” 215.6



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- “215.7 Table 2.1 summarizes vacant and underutilized commercial land within the District and provides an estimate of potential additional development that these lands could accommodate based on existing zoning. 215.7
- “215.8 Table 2.1: Potential Additional Development on Vacant and Underutilized Lands Citywide

Land Use	Residential		Mixed-Use		PDR Non-Residential*
	Acres	Units	Units	Non-Residential*	
Vacant Sites	505	9,100	4,200	9	4
Underutilized Sites	849	14,400	33,100	25	23
Sub-Total	1,354	23,500	37,300	34	27
<b>Total</b>			<b>60,800</b>		<b>61</b>

\* Millions of Square Feet

Source: Office of Planning, 2017

215.8

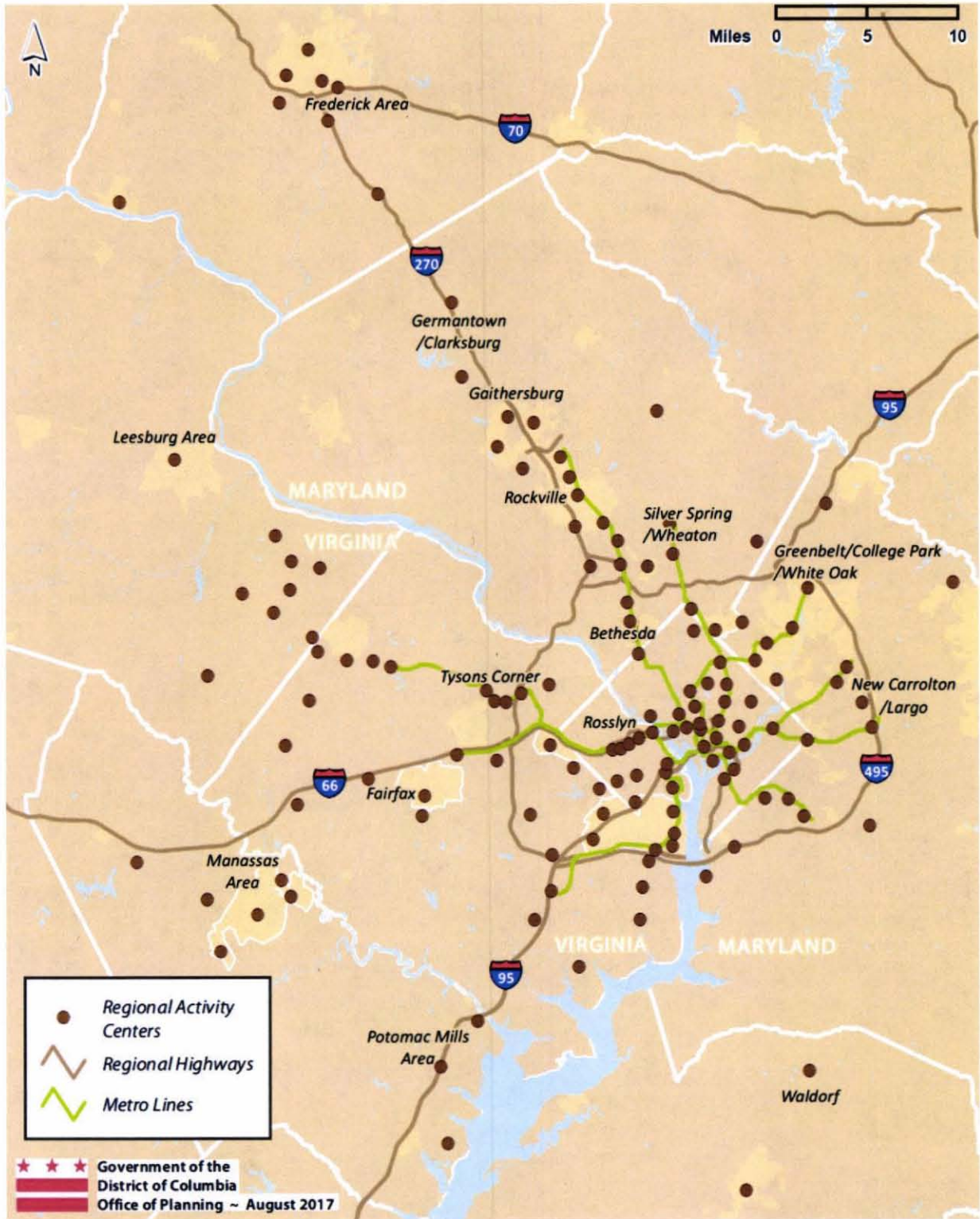
**“216 THE COOPERATIVE FORECASTS**

- “216.1 The Metropolitan Washington Council of Governments (MWCOG) coordinates socio-economic projections for the Washington region. These projections include households, population, and jobs and are expressed in five-year intervals, currently to 2045. Projections are made for the region as a whole and for each of its 23 jurisdictions. They take into account national economic trends, local demographics, and the local plans and policies of the region’s cities and counties. As part of this effort, the District develops a jurisdiction-level forecast and works with MWCOG to reconcile and balance the forecast with other jurisdictions. 216.1
- “216.2 At the regional level, the projections have been relatively accurate since the forecasting program began in 1975. Actual growth during the last 40 years has tracked closely with what the forecasts predicted. 216.2
- “216.3 In 2016, the MWCOG board approved projections showing the region would add 1.4 million jobs between 2015 and 2045. The projections further show an addition of 640,000 households and 1.5 million residents during this time period. About 29 percent of this growth is expected to occur in “outer” suburbs such as Loudoun, Frederick, and Prince William Counties, a significant decrease from the 43 percent share that was forecasted in 2005. The “inner” suburbs of Fairfax, Montgomery, and Prince George’s Counties are expected to maintain their share of growth at about 41 percent. The most significant change between the 2006 and 2015 MWCOG forecast is the share of growth in the central jurisdictions of the District, Arlington County, and Alexandria, which has doubled from 15 to 30 percent. The shift in growth from the outer suburbs to the region’s core is healthy land use. 216.3

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- “216.4 Figure 2.10 indicates the location of regional activity centers in the Washington Metropolitan Area. Updated centers were identified cooperatively by jurisdictions in the MWCOG area in 2012. They are intended to provide an organizing framework for directing regional job and housing growth, as articulated in Region Forward, MWCOG’s planning compact. This compact sets goals to guide growth toward the centers, including 75 percent of commercial construction and 50 percent of new households. As Figure 2.10 indicates, some of the clusters are more than 40 miles from the District and are larger in land area than all of Central Washington. Since 2006, progress has been made toward these goals. MWCOG estimates that 76 percent of job growth and 65 percent of household growth will occur in the centers. This suggests that urban sprawl and related congestion can be minimized. Expanded coordination in land use and transportation planning among the region’s cities and counties will be essential to keep the region sustainable. 216.4
- “216.5 Figure 2.10: Regional Activity Clusters

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216.5

**“217 PROJECTED GROWTH, 2015-2045**

“217.1 The District’s growth projections are based on a combination of the regional forecasts, approved and planned development, and land supply estimates. These projections anticipate a greater pace of growth and increased household size than was used in 2006. While many factors may influence these projections, particularly in the out-years, they are intended to ensure that the District, through the Comprehensive Plan, is adequately preparing today for future growth. Table 2.2 provides a summary. 217.1

“217.2 Table 2.2: Population, Household and Job Forecasts, 2015-2045

	2015	2020	2025	2030	2035	2040	2045
Households	297,100	319,300	341,000	362,500	380,600	396,200	411,900
Population	672,200	729,500	787,100	842,200	893,900	940,700	987,200
Employment	798,300	846,300	895,100	937,900	978,200	1,011,800	1,045,400
Jobs/Housing Ratio	2.69	2.65	2.62	2.59	2.57	2.55	2.54
Avg DC Household Size	2.11	2.13	2.16	2.18	2.21	2.24	2.27

217.2

“217.3 Because the Census is only taken every 10 years, estimates of population and household growth begin with the 2010 Census as the base, then adjust this using the Census’s Annual Estimates of Population and the American Community Survey. Since 2005, these sources have closely matched the District’s own population forecasts. 217.3

“217.4 The Comprehensive Plan’s household and population forecasts use a supply-side method, which relies on the construction of new square footage of non-residential space and residential units. This newly built space reflects the capacity to absorb net new job and household demand. The Plan’s forecasts begin by tracking the number of housing units in larger new developments as they progress from conceptual plan to completion. Occupancy rates and average household size by building type are applied to each development to estimate the increase in households and the population increase from migration. Net natural increase (births minus deaths) is then added to the population numbers to reflect growth from within the District. Using this method, recent growth is reviewed and five-year growth forecasts through 2030 are provided, as noted in Table 2.2 and described below. 217.4

“217.5 Between 2010 and 2015, the District added approximately 30,000 households and the population increased by 70,000. This matched changes in the housing supply from new construction, subdivision of larger units into a greater number of smaller units, and decreases in vacancy to historic lows. 217.5

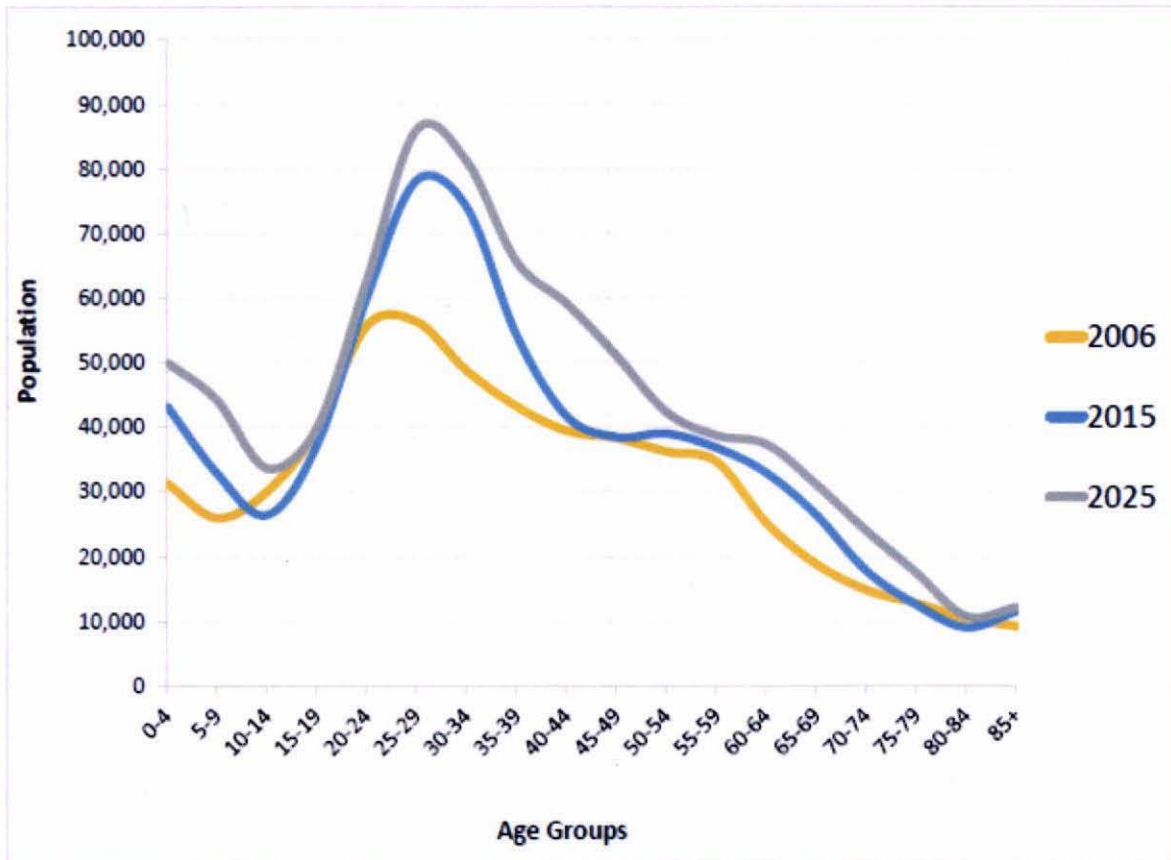
“217.6 The 2015-2020 growth increment consists of actual projects that are now under construction plus a portion of planned projects expected to start construction and

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reach completion by 2020. The largest share of these projects are rental buildings that will increase the percentage of rental households as a share of the District's overall households. Rental buildings are the largest share of these projects, and that will increase rental households as a share of the District's overall households. This growth will result in a net gain of about 22,000 households and is expected to increase the city's population to almost 730,000 by the 2020 census. This assumes that household size will start to increase from 2.11 to 2.13. 217.6

- "217.7 Growth forecasts for 2020-2025 are based on specific projects that have received a pre-development approval and portions of projects still in more conceptual stages. About 22,000 households are expected to be added during this period, bringing the city's population to 787,00 by 2025. 217.7
- "217.8 From 2025 to 2030, the remaining projects that today are in the early conceptual stages of pre-development are expected to deliver and be occupied. During this interval the forecast expects the city to grow by over 21,000 households and 55,000 residents for a total of over 362,000 households and 842,000 residents. 217.8
- "217.9 From 2020 to 2035, a significant portion of the District's growth is expected to occur on the large sites described earlier in this Element, contributing 14,000 households and 23,000 people. These large sites have significant capacity, but also significant planning and infrastructure needs. Growth from these sites is spread across several time intervals due to site complexity and where they are in the development process. Beyond the large sites, growth is expected to continue on the remaining smaller vacant and underutilized sites, until the District's population approaches 990,000 and 412,000 households by 2045. 217.9
- "217.10 A forecast of age growth in the population growth, from 2006 to 2025, is now included. Figure 2.11 shows several trends in how the city's population is anticipated to change by age. First, the large influx of younger, 20-30-year-old individuals who arrived between 2006 and 2016 will age, and as they start families an increase in children is anticipated. In addition, the number of older residents will increase. This age forecast has important implications for how the District will respond to:
- Increasing demand for pre-school, daycare, and public schools as well as playgrounds and parks from a growing population of children;
  - Rising housing costs as recent residents enter their prime income-earning years; and
  - Rising demand for senior services as the baby boom generation retires and grows older. 217.10
- "217.11 Figure 2.11 Forecast of DC Residents by Age: 2015-2025

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217.11

“217.12 In 2006 the biggest unknown in the forecasts was how the types of households and household size would change. If the District were to lose families and attract only small one- and two-person households, the 2006 plan recognized that the city could add 57,000 households with no gain in population. By incorporating the age forecast with the long-term population forecast in Table 2.2, household size is anticipated to increase from 2.11 to 2.27 from 2015 to 2045. However, this increase will occur only if the District retains its families, keeping both young professionals in the city as they form families, as well as single- or elder-parent led households, and provides a healthy environment for all families in its neighborhoods. Indeed, from 1990 to 2000, the number of families with children in the District declined by 11,000, with an attendant drop in citywide household size. 217.12

“217.13 Related factors affecting population forecasts are housing costs, immigration, the cost of daycare, and K-12 school quality. Higher housing costs have already caused families to “double up” in some parts of the city or leave the city for less expensive housing. It may result in adult children returning home or living at home longer.

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- Immigration also may drive increases in household size, as it has in New York, San Francisco, and other gateway cities. Improvement in the District's public schools and the shift toward universal pre-school has made the city a more attractive place for families with young children. 217.13
- "217.14 Unlike the 2006 household and population forecasts, which suggested that the District of Columbia would capture ten percent of the region's growth during 2005-2025, the Plan now expects the District to gain an increasing share of the region's population. By 2045, the District will represent as much as 14 percent of the region's population. 217.14
- "217.15 Employment Growth. 217.15
- "217.16 Employment forecasts track new capacity in proposed development and estimate the number of jobs each project could contain. The 2010 baseline estimates build on monthly data reported from the U.S. Bureau of Labor Statistics, InfoUSA, the District Department of Employment Services, and other sources, with adjustments for self-employment and military personnel. The forecasts from 2015 to 2030 are largely based on actual projects under construction in the city, as well as office, retail, hotel, industrial, and institutional development that is currently planned and in conceptual stages. These estimates are then compared to forecasts made by the District Department of Employment Services and other sources. 217.16
- "217.17 Beyond 2030, the projections presume a continuation of 2010-2020 trends, but at a slowing rate. Continued growth in the professional, health, and education sectors is expected, as is growth in the eating- and drinking-establishment sector, as the District's population increases. Between 2010 and 2045, the District is expected to add 300,000 new jobs, bringing the citywide total to over a million jobs. 217.17
- "217.18 The employment forecasts suggest that the District of Columbia will capture 22 percent of the region's job growth during 2010-2045. By 2045, the District will have essentially retained its share of the region's jobs, as it drops slightly from 25 to 24 percent, a significantly higher share than forecast in 2005. 217.18
- "217.19 Translating the Forecasts into Demand for Land 217.19
- "217.20 How much land does it take to accommodate 145,000 housing units and 300,000 jobs? The answer depends on the density of new development. Other factors, such as the size of housing units, the types of jobs being created, and the amount of land set aside for parking and open space also weigh in. The accompanying diagram shows three scenarios.

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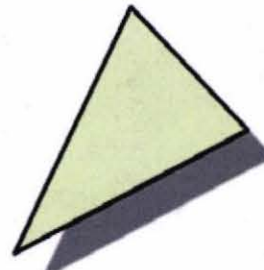
**DENSITY SCENARIO**

**LAND CONSUMPTION**

**Scenario 1**

**13,000 Acres**

- **Single Family Homes**
- **One-story Office**



**Scenario 2**

**3,000 Acres**

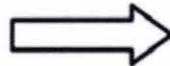
- **Row Houses**
- **Five-story Office**



**Scenario 3**

**< 1,000 Acres**

- **Apartment Homes**
- **Ten-story Office**



217.20

“217.21 The first illustrates the land that would be required for single family homes (at six units per acre) and one-story campus-style office buildings. About 33,000 acres would be necessary. The second scenario shows land requirements for housing built at row-house densities (25 units per acre), with the jobs housed in five-story office buildings. About 7,000 acres would be required. The third scenario shows land requirements for housing built at apartment densities of about 125 units per acre, with the jobs housed in ten-story office buildings. Land consumption drops to under 2,000 acres. 217.21

“217.22 Of course, the diagram simplifies the actual dynamics of how land is used and developed. It also leaves out land that must be set aside for parks, public facilities, and infrastructure. The District expects some combination of high-, medium-, and low-density development during the next 30 years. However, high land costs and the



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scarcity of land in the city make denser development more likely and even appropriate. 217.22

“217.23 Growth by Planning Area 217.23

“217.24 Tables 2.3 and 2.4 show where household and job growth is expected to take place within the city through 2045. The estimates reflect the location of planned development projects, vacant and underutilized sites, and Comprehensive Plan land-use designations and policies. 217.24

“217.25 Table 2.3: Projected Distribution of Household Growth by Planning Area

Planning Area	2015 Employment	2045 Projected Employment	Net Increase	% of District's Total Growth
CAPITOL HILL	25,082	33,387	8,305	7.2%
CENTRAL WASHINGTON	13,970	23,986	10,016	8.7%
FAR NORTHEAST AND SOUTHEAST	33,802	45,933	12,131	10.6%
FAR SOUTHEAST AND SOUTHWEST	26,592	36,681	10,089	8.8%
LOWER ANACOSTIA WATERFRONT AND NEAR SOUTHWEST	11,954	33,915	21,961	19.1%
MID-CITY	42,442	52,466	10,024	8.7%
NEAR NORTHWEST	42,237	48,551	6,314	5.5%
ROCK CREEK EAST	29,064	37,638	8,574	7.5%
ROCK CREEK WEST	44,033	48,814	4,781	4.2%
UPPER NORTHEAST	27,936	50,501	22,565	19.7%
CITYWIDE	297,112	411,872	114,760	100.0%

217.25

“217.26 Table 2.4: Projected Distribution of Job Growth by Planning Area

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Planning Area	2015 Employment	2045 Projected Employment	Net Increase	% of District's Total Growth
CAPITOL HILL	24,107	37,207	13,100	5.3%
CENTRAL WASHINGTON	469,636	567,025	97,389	39.4%
FAR NORTHEAST AND SOUTHEAST	7,575	19,698	12,123	4.9%
FAR SOUTHEAST AND SOUTHWEST	15,156	37,158	22,002	8.9%
LOWER ANACOSTIA WATERFRONT AND NEAR SOUTHWEST	49,511	92,314	42,803	17.3%
MID-CITY	30,116	37,517	7,401	3.0%
NEAR NORTHWEST	88,950	101,257	12,307	5.0%
ROCK CREEK EAST	35,141	44,924	9,783	4.0%
ROCK CREEK WEST	48,684	55,444	6,760	2.7%
UPPER NORTHEAST	29,395	52,846	23,451	9.5%
CITYWIDE	798,271	1,045,390	247,119	100.0%

217.26

“217.27 The tables indicate that about 28 percent of the city’s future household growth will occur in Central Washington and along the Lower Anacostia Waterfront. This reflects current and expected development in and around Downtown, the North of Massachusetts Avenue (NoMA) area, the Southwest Waterfront, the Near Southeast, and on large sites such as Poplar Point. Other areas east of the Anacostia River represent about 18 percent of the projected total. The Mid-City and Near Northwest areas also represent a combined total of 14.2 percent, with most of the gain expected east of 14th Street N.W., especially around Howard University, Columbia Heights, and Shaw. The biggest shift since the 2006 forecast is that the Upper Northeast area is now expected to accommodate 19.7 percent of the District’s household growth. This is a result of major land use changes around Union Market, McMillan Reservoir, Rhode Island Avenue Metro station, and the large number of vacant and underutilized properties in the Upper Northeast area. Additional data and guidance for each of these areas is provided in the Area Elements of the Comprehensive Plan. 217.27

“217.28 Employment growth will continue to be concentrated in Central Washington and along the Anacostia River. These two areas were expected to absorb three-quarters of the city’s job growth by 2025, principally in places like the South Capitol Street Corridor, the Southeast Federal Center, and the New York Avenue Metro Station area. The updated forecast suggests that job growth will be slightly more distributed. Central Washington and the Anacostia River Waterfront areas are now expected to

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absorb 57 percent of job growth. Upper Northeast, especially along the New York Avenue corridor, is now expected to absorb about ten percent of the city’s job growth. Another 14 percent is expected east of the Anacostia River on sites such as St. Elizabeths and the Minnesota Avenue Metro Station Area. The remaining six planning areas represent less than 20 percent of the city’s job growth, most associated with institutional uses and infill office and retail development along corridor streets. 217.28

“217.29 As time unfolds, departures from the District’s forecasts are likely. Future amendments to the Comprehensive Plan may be considered in response to changing trends, new projections, and shifting expectations for the future. 217.29

“218 **FROM VISION TO REALITY: GUIDING PRINCIPLES**

“218.1 The earlier sections of this Element provided the context for the Comprehensive Plan. This section establishes 40 underlying principles for the future that reflect this context. Most of these principles are based on “A Vision for Growing an Inclusive City,” the policy framework for the Comprehensive Plan Revision endorsed by the Council of the District of Columbia in 2004. However, statements from the previous Comprehensive Plan and other documents that set the frame for more detailed planning in the District also are incorporated. Policies in each Element of the Comprehensive Plan elaborate on the city’s commitment to following these principles. 218.1

“218.2 The principles are grouped into five sections:

- Managing Growth and Change
- Creating Successful Neighborhoods
- Increasing Access to Education and Employment
- Connecting the City
- Building Green and Healthy Communities. 218.2

“218.3 The principles acknowledge that the benefits and opportunities of living in the District are not available to everyone equally and that divisions in the city - physical, social and economic - must be overcome to move from vision to reality. To grow equitably and achieve racial equity, equity-centered approaches that address the needs of underserved communities are necessary. 218.3

“219 **MANAGING GROWTH AND CHANGE: GUIDING PRINCIPLES**

“219.1 1. The District seeks to create and support an equitable and inclusive city. Growth must be managed equitably to support all District residents, including vulnerable communities and District protected classes. We must recognize that managing growth and change includes addressing the historic, structural, and systemic racial inequities and disenfranchisement of many District residents. And, we must recognize the importance of longtime businesses, as well as educational and cultural institutions.

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- An equitable and inclusive city includes access to housing that is healthy, safe, and affordable for a range of household types, sizes, and incomes in all neighborhoods. A citywide problem requires citywide solutions – ones that overcome the legacy of segregation, avoid concentrating poverty, and afford the opportunity to stay in one’s home and not be displaced. 219.1
- “219.2 2. Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city, such as local cultural heritage, and reduce negatives such as poverty, crime, food deserts, displacement, and homelessness. 219.2
- “219.3 3. A city must be diverse to thrive, and the District cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families. A priority must be placed on sustaining and promoting safe neighborhoods offering health care, quality education, transportation, childcare, parks, libraries, arts and cultural facilities, and housing for families. 219.3
- “219.4 4. Diversity also means maintaining and enhancing the District’s mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples, and for all income levels. 219.4
- “219.5 5. The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. 219.5
- “219.6 6. A large component of current and forecasted growth in the next decade is expected to occur on large sites that are currently isolated from the rest of the city. Rather than letting these sites develop as gated or self-contained communities, they should be integrated into the city’s urban fabric through the continuation of street patterns, open-space corridors and compatible development patterns where they meet existing neighborhoods. Since the District is landlocked, its large sites must be viewed as extraordinarily valuable assets. Not all should be used right away – some should be “banked” for the future. 219.6
- “219.7 7. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must be designed to respect the integrity of stable neighborhoods and the broader community context, and encourage housing and amenities for low-income households, who rely more on transit. Adequate infrastructure capacity should be ensured as growth occurs. 219.7
- “219.8 8. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 219.8

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**“220 CREATING SUCCESSFUL NEIGHBORHOODS: GUIDING PRINCIPLES**

“220.1 9. The District prioritizes equitable participation that enfranchises everyone and builds people’s long-term capacity to organize to improve their lives and neighborhoods. Residents and communities should have meaningful opportunities to participate in all stages of planning, policy, public investment, and development decision-making. The District has a special responsibility to identify, engage, and build capacity for greater participation among traditionally underrepresented communities, and will make additional, targeted efforts to improve services for these communities and promote their ability to participate on an equal basis with other communities. 220.1

220.2 10. To participate effectively and represent community interests in public processes, the District should support and build the capacity of civic organizations, Advisory Neighborhood Commissions, residents, businesses and other stakeholders. We should encourage collaborative, community-led processes that bring together diverse perspectives. These processes should be clear, open and transparent. Notification procedures should be timely, provide appropriate information, and allow adequate, but not unnecessarily prolonged, time to respond. 220.2

“220.3 11. The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. As the District continues to grow, more residents, and those of varied socio-economic backgrounds, should be accommodated, including the production and preservation of affordable housing, while using zoning, design, and other means to retain the qualities that physically characterize these neighborhoods and make them attractive. Zoning and other means should be used to attract neighborhood serving retail that, in turn, enhances the surrounding residential neighborhood. 220.3

“220.4 12. Many neighborhoods include commercial and institutional uses that contribute to their character. Neighborhood businesses, retail districts, schools, parks, recreational facilities, houses of worship and other public facilities all make our communities more livable. These uses provide strong centers that reinforce neighborhood identity and provide destinations and services for residents. They too must be protected and stabilized. 220.4

“220.5 13. The recent population boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing, especially for low-income and workforce households, are essential to avoid a deepening of racial and economic divides in the city, and must occur city-wide to achieve fair housing objectives. Affordable renter-and owner-occupied housing production and preservation is central to the idea of growing more inclusively, as is the utilization of tools such as public housing, community land

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- trusts, and limited equity cooperatives that help keep the costs of land affordable, particularly in areas with low homeownership rates and those at risk of cost increases due to housing speculation. 220.5
- “220.6 14. The District of Columbia contains many buildings and sites that contribute to its identity. Protecting historic resources through preservation laws and other programs is essential to retain the heritage that defines and distinguishes the city. Special efforts should be made to conserve row houses as the defining element of many District neighborhoods, and to restore neighborhood “main streets” through sensitive renovation and updating. The District’s music, art, narratives, institutions, and other cultural assets are also integral to create a community’s identity and sense of place. Efforts should also be made to support, enhance, and protect these cultural assets. 220.6
- “220.7 15. Each neighborhood is an integral part of a diverse larger community that contributes to the District’s identity. Growing an inclusive city means that all neighborhoods should share in the overall social responsibilities of the community, including accommodating the overall growth in new residents, housing the homeless, feeding the hungry, and accommodating the disabled. 220.7
- “220.8 16. Enhanced public safety is one of the District’s highest priorities and is vital to the health of our neighborhoods. The District must continue to improve safety and security, and ensure timely and high-quality emergency police, fire, and medical assistance. This will maintain established neighborhoods, enable the most vulnerable residents to sustain their communities, and decrease exposure to collective trauma. Moreover, the District must engage in appropriate planning and capital investments to reduce the likelihood and severity of future emergencies. 220.8
- “220.9 17. Confidence in government begins at the neighborhood level. It is built block-by-block, based on day-to-day relationships and experiences. Meaningful participation and responsive neighborhood services are essential to sustain successful neighborhoods. 220.9
- “220.10 18. Public input in decisions about land use and development is an essential part of creating successful neighborhoods, from development of the Comprehensive Plan to every facet of its implementation. 220.10
- “220.11 Policies and actions to support neighborhoods cut across many Comprehensive Plan topics and appear throughout this document. Wherever they may appear, these policies are underpinned by the common goal of conserving functioning, stable neighborhoods and improving those that need redirection or enhancement. 220.11
- “221 **INCREASING ACCESS TO EDUCATION AND EMPLOYMENT: GUIDING PRINCIPLES**

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- “221.1 19. Increasing access to jobs and education by District residents is fundamental to improving the lives and economic well-being of District residents. Quality education equips students with the skills and tools to succeed. 221.1
- “221.2 20. An economically strong and viable District of Columbia is essential to the economic health and well-being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District’s economic development strategies must capitalize on the city’s location at the center of the region’s transportation and communication systems. 221.2
- “221.3 21. Increasing access to education is linked to broader social goals such as increasing access to employment, strengthening families, creating a better future for the city’s youth, and reducing chronic and concentrated poverty. Therefore, physical plans for the city must be accompanied by plans and programs to improve our educational system, improve literacy and job training, ensure access to high-quality public primary and secondary education in all neighborhoods, and link residents to quality jobs. 221.3
- “221.4 22. The overarching goals of the Comprehensive Plan cannot be achieved without sustained investment in public school and library facilities. The physical condition of these facilities must be of good quality before the vision of a more inclusive city can be truly achieved. 221.4
- “221.5 23. Colleges and universities make the District an intellectual capital as well as a political capital. They are an essential part of the District’s plans to grow its “knowledge based” economy, improve access to learning, and broaden economic prosperity for all District residents. Sustaining our colleges and universities is important, as is protecting the integrity of the communities of which they are a part. Encouraging access to higher education for all residents is vitally important, as is locating higher education facilities in neighborhoods currently underserved by such facilities. 221.5
- “221.6 24. Land-development policies should be focused to create job opportunities for District residents. This means that sufficient land should be planned and zoned for new job centers in areas with high unemployment and under-employment. A mix of employment opportunities to meet the needs of residents with varied job skills should be provided. 221.6
- “221.7 25. Providing more efficient, convenient, and affordable transportation for residents to access jobs in the District and in the surrounding region is critical to achieve the goal of increasing District residents’ access to employment. 221.7
- “221.8 26. Downtown should be strengthened as the region’s major employment center, as its cultural center, as a center for government, tourism and international business, and as an exciting urban mixed-use neighborhood. Policies should strive to increase the number of jobs for District residents, enhance retail opportunities, increase the

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- number of residential units, promote access to Downtown from across the District and the region, and ensure Downtown's prominence as the heart of the city. 221.8
- "221.9 27. Despite the recent economic resurgence in the city, the District has yet to reach its full economic potential. Expanding the economy means increasing shopping and services for many District neighborhoods, particularly east of the Anacostia River, bringing tourists beyond the National Mall and into the city's business districts, and creating more opportunities for local entrepreneurs and small businesses. The District's economic development expenditures should help support local businesses and provide economic benefits to the community. 221.9
- "222 CONNECTING THE CITY: GUIDING PRINCIPLES**
- "222.1 28. Increased mobility can no longer be achieved simply by building more roads. The priority must be on investment in other forms of transportation, particularly transit. Mobility can be enhanced further by improving the connections between different transportation modes, improving safety and security of users of all transportation modes, and increasing system efficiency. 222.1
- "222.2 29. Transportation facilities, including streets, bridges, transit, sidewalks, and paths, provide access to land and they provide mobility for residents and others. Investments in the transportation network must be equitably distributed, prioritize safety, access and sustainable transportation, and balance the needs of pedestrians, bicyclists, transit users, autos and delivery vehicles, as well as the needs of residents and others to move around and through the city. 222.2
- "222.3 30. Washington's wide avenues are a lasting legacy of the 1791 L'Enfant Plan and are still one of the city's most distinctive features. The "great streets" of the city should be reinforced as an element of Washington's design through transportation, streetscape, and economic development programs. 222.3
- "222.4 31. Connections to and between the city's celebrated open spaces, such as Rock Creek Park and the National Mall, should be improved. At the same time, creation of new parks along the Anacostia River and enhancement of the federal Fort Circle Parks, should be supported to connect communities and enhance "green infrastructure" in the city. 222.4
- "222.5 32. The District continues to grow in reputation as an international cultural center. To sustain this growth, it must continue to support a healthy arts and cultural community through its land use, housing, and economic development policies. The power of the arts to express the identity of each community while connecting neighborhoods and residents must be recognized. 222.5
- "222.6 33. Residents are connected by places of "common ground," such as Union Station and Eastern Market. Such public gathering places should be protected and should be created in all parts of the city as development and change occurs. 222.6



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“222.7 34. The District’s communities are connected by a shared heritage of urban design, reflecting the legacy of the L’Enfant Plan, the McMillan Plan, the Height Act of 1910, and preservation of much of the historic urban fabric. After more than two centuries of building, the nation’s capital is still a remarkable place. Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities. 222.7

“223 **BUILDING GREEN AND HEALTHY COMMUNITIES: GUIDING PRINCIPLES**

“223.1 35. Focus the city’s resilience goals on supporting inclusive growth for all residents, preparing the city for the impacts of climate change, and embracing advances in technology, while minimizing the negative impacts of change. 223.1

“223.2 36. The site selected for the national capital was characterized by a very special topography, including hills interlaced with broad rivers and streams. The topography allowed for the construction of a special collection of buildings that gives the District a unique profile. This profile has been further protected by local and national ordinances and must continue to be protected in the future. This should include the protection of views and vistas and the enhancement of city gateways. 223.2

“223.3 37. The earth, water, air, and biotic resources of the District must be protected. Furthermore, such resources should be restored and enhanced where they have been degraded by past human activities. In particular, reforestation of the District and maintenance of its tree cover should be emphasized to sustain the District’s reputation as one of America’s “greenest” cities. 223.3

“223.4 38. As the nation’s capital, the District should be a role model for environmental sustainability. Building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, encourage the use of distributed energy resources like rooftop solar, and reduce harmful effects on the natural environment. 223.4

“223.5 39. Planning decisions should improve the health of District residents by reducing exposure to hazardous materials, improving the quality of surface and groundwater, and encouraging land-use patterns and land uses that reduce air pollution and facilitate pedestrian and bicycle travel. 223.5

“223.6 40. The District’s parks and open spaces provide health, recreational, psychological, aesthetic, and ecological benefits that contribute to the quality of life. Maintenance and improvement of existing parks and increased access to open space and recreation across the city are basic elements of the city’s vision. The District’s public open spaces should be protected against exploitation, and their recreational and environmental values should be conserved. 223.6

“224 **PUTTING IT ALL TOGETHER**

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- “224.1 Taken together, the forces driving change, growth projections, and guiding principles in the Framework Element provide a foundation for planning the future of the District of Columbia. The subsequent elements of the Comprehensive Plan following this Framework Element examine these conditions in much more detail and outline the journey from vision to reality. 224.1
- “224.2 The Comprehensive Plan provides direction to many District agencies in several important ways. One way is its role in careful land-use decisions that accommodate growth and ensure that the city is an inclusive and desirable place to live and work. Another is through continuing consideration of the plan’s infrastructure priorities to inform the District’s Capital Improvement Plan. 224.2
- “224.3 The Comprehensive Plan and Zoning Regulations are linked in law, and subsequently in application. A Congressional Act of June 20, 1938 established that zoning “regulations shall be made in accordance with a comprehensive plan...”. In 1973, the District of Columbia Home Rule charter included changes to the 1938 Act, as follows: “Zoning maps and regulations, and amendments thereto, *shall not be inconsistent* with the comprehensive plan for the national capital” (emphasis added). The relationship between the Comprehensive Plan and the District’s Zoning Regulations, and how these are used in the city’s development review process, is described below. 224.3
- “224.4 The Comprehensive Plan, which includes a Generalized Policy Map and a Future Land Use Map, provides generalized guidance. The Generalized Policy Map provides guidance on whether areas are designated for conservation, enhancement, or change, as explained in Section 225. The Future Land Use Map shows anticipated future land uses, which may be the same, or different than, the current land uses. Both maps are part of the adopted Comprehensive Plan and the categories used for each map are described later in this Framework. 224.4
- “224.5 Small Area Plans are prepared with community input, to provide more detailed planning guidance, and typically are approved by resolution of the Council. Unless a Small Area Plan has been made binding on the Zoning Commission through its enactment as part of a Comprehensive Plan amendment, a Small Area Plan provides only supplemental guidance to the Zoning Commission and it does so only to the extent it does not conflict with the Comprehensive Plan. 224.5
- “224.6 The Zoning Commission is required to use the Comprehensive Plan in its land use decision-making. The Zoning Commission may amend the District of Columbia zoning map in two ways, both requiring a finding of “not inconsistent with the Comprehensive Plan.” The first way is to establish a zone district for a specific parcel or an area of land. A zone district specifies uses allowed as a matter-of-right or through a special exception, and development standards such as maximum density, height, and lot occupancy. 224.6

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- “224.7 The second way is through a Planned Unit Development (PUD), often for sites that have more than one parcel or building. The goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits, and protects and advances the public health, safety, welfare, and convenience. These public benefits should be lasting and are developed through discussions between developers, District representatives, Advisory Neighborhood Commissions, civic organizations, and the community. As part of the PUD process, the Zoning Commission may include a zoning map amendment for the purpose of the PUD, which is applicable only for the duration of the PUD, and subject to PUD conditions. The PUD process is not to be used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. In considering whether a PUD is “not inconsistent” with the Comprehensive Plan, it is appropriate to consider the context of the entire site, such as aggregating density on one portion so as to increase open space on another portion – achieving an overall density that is consistent with the Plan. 224.7
- “224.8 In its decision-making, the Zoning Commission must make a finding of “not inconsistent with the Comprehensive Plan.” To do so, the Zoning Commission must consider the many competing, and sometimes conflicting, policies of the Comprehensive Plan, along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the Zoning Commission to consider and balance those policies relevant and material to the individual case before it in its decision-making, and clearly explain its decision-making rationale. 224.8
- “224.9 Specific public benefits are determined through each PUD application and should respond to critical issues facing the District as identified in the Comprehensive Plan and through the PUD process itself. In light of the acute need to preserve and build affordable housing, described in Section 206, and to prevent displacement of on-site residents, the following should be considered as high-priority public benefits in the evaluation of residential PUDs:
- The production of new affordable housing units above and beyond existing legal requirements or a net increase in the number of affordable units that exist on-site;
  - The preservation of housing units made affordable through subsidy, covenant, or rent control, or replacement of such units at the same affordability level and similar household size;
  - The minimizing of unnecessary off-site relocation through the construction of new units before the demolition of existing occupied units; and
  - The right of existing residents of a redevelopment site to return to new on-site units at affordability levels similar to or greater than existing units. 224.9

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**“225 GENERALIZED POLICY MAP****“225.1 Purpose of the Generalized Policy Map**

The purpose of the Generalized Policy Map is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. 225.1

**“225.2 The map should be used to guide land-use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, and other Comprehensive Plan maps. Boundaries on the map are to be interpreted in concert with these other sources, as well as the context of each location. 225.2****“225.3 Categories**

The Generalized Policy Map identifies the following four different types of areas: Neighborhood Conservation Areas, Neighborhood Enhancement Areas, Land Use Change Areas, and Commercial/Mixed Use Areas. Although each area has specific characteristics, all provide opportunities for future development that advances District goals and policies. 225.3

**“225.4 Neighborhood Conservation Areas**

Neighborhood Conservation areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided. 225.4

**“225.5 The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and**

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- displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities. 225.5
- “225.6 Neighborhood Enhancement Areas  
Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant and underutilized land. They include areas that are primarily residential in character; as well as mixed-use and industrial areas. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and, where appropriate, light industrial facilities. Land uses that reflect the historical mixture and diversity of each community and promote inclusivity should be encouraged. 225.6
- “225.7 The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land-use designation on the Future Land Use Map and with Comprehensive Plan policies. The unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected or enhanced as development takes place. Publicly owned open space within these areas should be preserved and enhanced to make these communities more attractive and desirable. 225.7
- “225.8 The main difference between Neighborhood Enhancement Areas and Neighborhood Conservation Areas is the large amount of vacant and underutilized land that exists in the Enhancement Areas. Neighborhood Enhancement Areas often contain many acres of undeveloped lots, whereas Neighborhood Conservation Areas appear to be mostly “built out.” Existing housing should be enhanced through rehabilitation assistance. New development in these areas should support neighborhood and city-wide housing needs, reduce crime and blight, and attract complementary new uses and services that better serve the needs of existing and future residents. 225.8
- “225.9 Land Use Change Areas  
Land Use Change Areas are areas where change to a different land use from what exists today is anticipated. In some cases, the Future Land Use Map depicts the specific mix of uses expected for these areas. In other cases, the Future Land Use Map shows these sites as “Federal,” indicating the District does not currently have the authority to develop appropriate plans for these areas but expects to have this authority by 2025. 225.9
- “225.10 There are more than two dozen Land Use Change Areas identified on the Generalized Policy Map. They include many of the city’s large development opportunity sites, and other smaller sites that are undergoing redevelopment or that are anticipated to

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- undergo redevelopment. Together, they represent much of the city's supply of vacant and underutilized land. 225.10
- "225.11 The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. The Comprehensive Plan's Area Elements provide additional policies to guide development and redevelopment within the Land Use Change Areas, including the desired mix of uses in each area. 225.11
- "225.12 As Land Use Change Areas are redeveloped, the District aspires to create high-quality neighborhoods that demonstrate exemplary site and architectural design and innovative environmental features, compatible with nearby neighborhoods, protect cultural and historic assets, and provide significant affordable-housing and employment opportunities. Measures to ensure that public benefits are commensurate with increased density and to avoid and mitigate undesirable impacts of development of the Land Use Change Areas upon adjacent neighborhoods should be required as necessary. Such measures should prioritize equity by accounting for the needs of underserved communities. 225.12
- "225.13 Commercial/Mixed Use Areas  
The areas identified as commercial or mixed use correspond to the city's business districts, many of which form the heart of the city's neighborhoods. Five categories are used, defining the physical and economic character of each area along with generalized long-range conservation and development objectives. The commercial areas are: "Main Street Mixed Use Corridors," "Neighborhood Commercial Centers," "Multi-Neighborhood Centers," "Regional Centers," and the "Central Employment Area." All categories allow commercial and residential uses. 225.13
- "225.14 Main Street Mixed Use Corridors  
These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. 225.14
- "225.15 Neighborhood Commercial Centers  
Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in the adjacent neighborhoods. The area served by a Neighborhood

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Commercial Center is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and childcare. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. Many buildings have upper-story residential uses. 225.15

“225.16 Unlike Main Street Mixed Use Corridors, the Neighborhood Commercial Centers include both auto-oriented centers and pedestrian-oriented shopping areas. Examples include Penn Branch Shopping Center on Pennsylvania Avenue, S.E. and the Spring Valley Shopping Center on Massachusetts Avenue, N.W. New development and redevelopment within Neighborhood Commercial Centers must be managed to conserve the economic viability of these areas while allowing additional development, including residential, that complements existing uses. 225.16

“225.17 Multi-Neighborhood Centers

Multi-Neighborhood Centers contain many of the same activities as Neighborhood Commercial Centers, but in greater depth and variety. The area served by a Multi-Neighborhood Center is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include residential and office space for small businesses, although their primary function remains retail trade. 225.17

“225.18 Examples of Multi-Neighborhood Centers include Hechinger Mall, Columbia Heights, Brentwood, and Skyland Shopping Centers. Mixed-use infill development at these centers should be encouraged to provide new retail and service uses, and additional housing and job opportunities. Infrastructure improvements to allow safe access by all transportation modes to these centers are also important for increasing equitable access. 225.18

“225.19 Regional Centers

Regional Centers have the largest range of commercial functions outside the Central Employment Area and are likely to have major department stores, many specialty shops, concentrations of restaurants, movies, and other leisure or entertainment facilities. They typically draw patrons from across the city, as well as patrons from nearby suburban areas. A large office component is also associated with Regional Centers. As with Multi-Neighborhood Centers, infill development at Regional Centers should provide new retail, entertainment, service uses, additional housing, and employment opportunities. 225.19

“225.20 These centers are generally located along major arterials and are served by transit, but may also see demand for parking. Off-street parking may be provided on a cooperative/shared basis within the area, using both self-contained and nearby

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commercial parking lots and garages, while also ensuring access for other transportation modes. Regional centers are higher in density and intensity of use than other commercial areas, except downtown. Building height, massing, and density should support the role of regional centers while scaling appropriately to development in adjoining communities and should be further guided by policies in the Land Use Element and the Area Elements. Examples of regional centers include Friendship Heights and Georgetown. 225.20

“225.21 Central Employment Area

The Central Employment Area is the business and retail heart of the District and the metropolitan area. It has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; hotels, restaurants, and other hospitality uses; as well as high-density residential uses. The Central Employment Area draws patrons, workers, and visitors from across the region, and, consequently, safe access for all transportation modes should be provided. The Comprehensive Plan’s Land Use and Economic Development Elements, and the Central Washington Area and Lower Anacostia Waterfront/Near Southwest Area Elements provide additional guidance, policies and actions related to the Central Employment Area. 225.21

“225.22 Other Areas

The Generalized Policy Map also identifies parks and open space, land owned by or under the jurisdiction of the District or federal government, federal lands with federal buildings, Downtown Washington, and major institutional land uses. The fact that these areas are not designated as Conservation, Enhancement, or Land Use Change Areas does not mean they are exempt from the Comprehensive Plan or that their land uses will remain static. Public parks and public open space will be conserved and carefully managed in the future. Federal lands are called out to acknowledge the District’s limited jurisdiction over them but are still discussed in the text of the District Elements. Downtown includes its own set of conservation, enhancement, and change areas, described in more detail in the Central Washington Area Element. Much of the land identified as institutional on the map represents colleges and universities; change and infill can be expected on each campus consistent with campus plans. Other institutional sites, including hospitals and religious orders, likewise may see new buildings or facilities added. Policies in the Land Use and the Educational Facilities Elements address the compatibility of such uses with surrounding neighborhoods. 225.22

“226 **THE DISTRICT’S FUTURE LAND USE MAP**

“226.1 Maps showing the general distribution and character of future land uses in the city have been an essential part of the Comprehensive Plan for over half a century. Both the 1950 and 1967 Comprehensive Plans for the National Capital depicted “high



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density,” “moderate density,” and “low density” residential neighborhoods. These Plans further defined “Local Commercial” areas along many corridor streets, a “Downtown Commercial” area, and a “Central Federal Employment Area”. The Maps also called out hospitals, universities, industrial areas, and federal installations. 226.1

“226.2 The District portion of the 1984 Comprehensive Plan – the first Plan of the Home Rule era – was initially adopted without a Land Use Map. A set of four large maps was adopted in 1985, along with the Land Use Element itself. In the years that followed, the four maps were consolidated into two maps—a Generalized Land Use Map and a Generalized Land Use Policy Map. 226.2

“226.3 An illustrative “paintbrush” format, reminiscent of those used in the 1950 and 1967 Plans, was initially used for the 1985 Land Use Map. This format was rejected as being too imprecise and “bloblike.” In subsequent years it was replaced by a map with more clearly defined edges, although the maps continue to note that these designations are generalized. The Comprehensive Plan text stipulated that streets and street names be displayed on the map to ensure its legibility. Its 15 land use categories were defined in broad terms – typical uses were described, but no density or intensity ranges were assigned. 226.3

“227 **FUTURE LAND USE MAP AND CATEGORIES**

“227.1 Purpose of the Future Land Use Map

The Future Land Use Map is part of the adopted Comprehensive Plan and carries the same legal weight as the Plan document itself. The Map uses color-coded categories to express public policy for future land uses across the city. The Future Land Use Map is intended to be used in conjunction with the Comprehensive Plan’s policies and actions. Preparation of this map is explicitly required by D.C. Law; its purpose is to “represent the land use policies set forth in the proposed Land Use Element,” using “standardized colors for planning maps.” (D.C. Official Code § 1-306.02). 227.1

“227.2 Each land use category identifies representative zoning districts and states that other zoning districts may apply. The Zoning Commission, in selecting a zone district such as through a Planned Unit Development or Zoning Map Amendment, determines if it is not inconsistent with the Comprehensive Plan. In making this determination for a selected zone district, the Zoning Commission considers and balances the competing and sometimes conflicting aspects of the Comprehensive Plan, including the policies and text; the intent of the Future Land Use Map land use category; and the Future Land Use Map and Generalized Policy Map. Under the Zoning Regulations, a proposed Planned Unit Development should not result in unacceptable project impacts on the surrounding area. 227.2

“227.3 Definitions of Land Use Categories: Sections 227.4 through 227.23 describe the land use categories depicted on the Future Land Use Map. References herein to density,

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scale, use or other features are intended to distinguish generally between the categories. Citing Floor Area Ratios (FAR) in the land use categories does not eliminate the need for height limits and other dimensional requirements established in the Zoning Regulations for a particular zone district, although the Zoning Regulations provide flexibility around such standards for Inclusionary Zoning and Planned Unit Developments. The residential and commercial land use categories run a spectrum from low to high density. It is important to consider the categories in relationship to each other. For each category, one to three zone districts are listed as illustrative. Accordingly, other zones may also apply. Some zones may straddle categories, reflecting the higher end of one category, or the lower end of another. 227.3

“227.4 Definitions of Land Use Categories: Residential Categories.

Four residential categories appear on the Future Land Use Map. Density in the residential categories is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR. FAR is a ratio between a building’s total gross floor area and lot area, and is used to regulate density. Using this approach, some aspects of a building may be higher than is characteristic for the land use category, but still consistent with the category’s density range. Similarly, density on a portion of a site may be greater, provided the density for the site overall is not inconsistent with the specified range. 227.4

“227.5 Low Density Residential: This designation is used to define neighborhoods generally, but not exclusively, suited for single family detached and semi-detached housing units with front, back, and side yards. The R-1 and R-2 Zone Districts are consistent with the Low Density Residential category, and other zones may also apply. 227.5

“227.6 Moderate Density Residential: This designation is used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with the Moderate Density Residential category, and other zones may also apply. 227.6

“227.7 Medium Density Residential: This designation is used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0

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- FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, and other zones may also apply. 227.7
- “227.8 High Density Residential: This designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High Density Residential category, and other zones may also apply. 227.8
- “227.9 Commercial Categories: Four commercial categories appear on the Map. The predominant use is commercial, with housing permitted in all categories, and incentivized in all but the High Density category. Although all Commercial Categories accommodate a mix of uses, a separate category (Mixed Use, defined in Section 227.20) is used to identify areas where the mixing of commercial, residential, and sometimes industrial uses is strongly encouraged. Density is typically calculated as a FAR. Using this approach, some aspects of a building may be higher than is characteristic for the land use category, but still consistent with the category’s density range. Similarly, density on a portion of a site may be greater, provided the density for the site overall is not inconsistent with the specified range. 227.9
- “227.10 Low Density Commercial: This designation is used to define shopping and service areas that are generally lower in scale and intensity. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. Their common feature is that they are comprised primarily of commercial and mixed-use buildings that range in density generally up to a FAR of 2.5, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-3 and MU-4 Zone Districts are consistent with the Low Density category, and other zones may also apply. 227.10
- “227.11 Moderate Density Commercial: This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas. Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-5 and MU-7 Zone Districts are

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- representative of zone districts consistent with the Moderate Density Commercial category, and other zones may also apply. 227.11
- “227.12 Medium Density Commercial: This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply. 227.12
- “227.13 High Density Commercial: This designation is used to define the central employment district, other major office centers, and other commercial areas with the greatest scale and intensity of use in the District. Office and mixed office/retail buildings with densities greater than a FAR of 6.0 are the predominant use, although high-rise residential and many lower scale buildings (including historic buildings) are interspersed. The MU-9, D-3, and D-6 Zone Districts are consistent with the High Density Commercial category, and other zones may also apply. 227.13
- “227.14 Production, Distribution, and Repair (PDR): The Production, Distribution, and Repair (PDR) category is used to define areas characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services, food services, printers and publishers, tourism support services, and commercial, municipal, and utility activities which may require substantial buffering from housing and other noise-, air-pollution- and light-sensitive uses. This category is also used to denote railroad rights-of-way, switching and maintenance yards, bus garages, and uses related to the movement of freight, such as truck terminals. It is important to ensure that adequate, appropriate land is provided for these PDR uses that are critical to supporting the retail, transportation and service needs of the city. A variety of zone districts apply within PDR areas, recognizing the different intensities of use and impacts generated by various PDR activities. The corresponding zone category is PDR, and the present density and height limits set in these districts are expected to remain for the foreseeable future. Other districts may also apply where the PDR map designation is striped with other land uses. In an area striped to include PDR, development must include PDR space, and on sites containing existing PDR space the amount of PDR space on-site should be substantially preserved. 227.14
- “227.15 Public and Institutional Categories:  
Four Public and Institutional Land Use categories appear on the Map, as follows:  
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- “227.16 Federal: This designation includes land and facilities owned, occupied and used by the federal government, excluding parks and open space. Uses include military bases, federal government buildings, the International Chancery Center, federal hospitals, museums, and similar federal government activities. The “Federal” category generally denotes federal ownership and use. Land with this designation is generally not subject to zoning. In the event federal interests on any given federal site terminate, zoning for these areas should be established in a manner that is consistent with Comprehensive Plan policies. 227.16
- “227.17 Local Public Facilities: This designation includes land and facilities occupied and used by the District of Columbia government or other local government agencies (such as WMATA), excluding parks and open space. Uses include public schools including charter schools, public hospitals, government office complexes, and similar local government activities. Other non-governmental facilities may be co-located on site. While included in this category, local public facilities smaller than one acre – including some of the District’s libraries, police and fire stations, and similar uses – may not appear on the map due to scale. Zoning designations vary depending on surrounding uses. 227.17
- “227.18 Institutional: This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories. 227.18
- “227.19 Parks, Recreation, and Open Space: This designation includes the federal and District park systems, including the National Parks, such as the National Mall; the circles and squares of the L’Enfant city and District neighborhoods; settings for significant commemorative works, certain federal buildings such as the White House and the U.S. Capitol grounds, and museums; and District-operated parks and associated recreation centers. It also includes permanent open space uses such as cemeteries, open space associated with utilities such as the Dalecarlia and McMillan Reservoirs, and open space along highways such as Suitland Parkway. This category includes a mix of passive open space (for resource conservation and habitat protection) and active open space (for recreation). While included in this category, parks smaller than one acre – including many of the triangles along the city’s avenues – may not appear on the map due to scale. Zoning designations for these areas vary. The federal parklands are generally unzoned, and District parklands tend to be zoned the same as surrounding land uses. 227.19
- “227.20 Mixed Use Categories: The Future Land Use Map indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding

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to the categories defined on the previous pages. A Mixed Use Future Land Use Map designation should not be confused with the Mixed Use (MU) zoning districts, although they frequently apply to the same area or parcel of land. The Mixed Use Category generally applies in the following circumstances:

a. Established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses;

b. Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground-floor retail or office uses and upper story housing;

c. Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and

d. Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses. 227.20

“227.21 The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground-floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, Moderate Density Residential/Low Density Commercial). The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned. 227.21

“227.22 It should also be acknowledged that because of the scale of the Future Land Use Map and the fine-grained pattern of land use in older parts of the city, many of the areas shown purely as “Commercial” may also contain other uses, including housing. Likewise, some of the areas shown as purely “Residential” contain existing incidental commercial uses such as corner stores or gas stations, or established institutional uses, such as places of worship. The “Mixed Use” designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future. 227.22

“227.23 A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. All zone districts formerly identified as commercial, SP, CR and Waterfront were renamed as MU zone districts in 2016, and are considered to be mixed use. Residential uses are permitted in all of the MU zones, however, so many Mixed Use areas may have MU zoning. 227.23

“228 **GUIDELINES FOR USING THE GENERALIZED POLICY MAP AND THE FUTURE LAND USE MAP**

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“228.1 The Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions, and are considered in concert with other Comprehensive Plan policies. Several important parameters, defined below, apply to their use and interpretation.

a. The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements and development standards for setbacks, height, use, parking, and other attributes, the Future Land Use Map is intended to be “soft-edged” and does not follow parcel boundaries, and its categories do not specify allowable uses or development standards. By definition, the Future Land Use Map is to be interpreted broadly and the land use categories identify desired objectives.

b. The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.

c. While the densities within any given area on the Future Land Use Map reflect all contiguous properties on a block, there may be individual buildings that are larger or smaller than these ranges within each area. Similarly, the land-use category definitions describe the general character of development in each area, citing typical Floor Area Ratios as appropriate. The granting of density bonuses (for example, through Planned Unit Developments or Inclusionary Zoning) may result in density that exceed the typical ranges cited here.

d. The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the Citywide Elements and the Area Elements.

e. The designation of an area with a particular Future Land Use Map category does not necessarily mean that the most intense zoning district described in that category is automatically permitted. And, even if a zone is not identified in a category, it can be permitted as described in Section 227.2. A range of densities and intensities applies within each category, and the use of different zone districts within each category should reinforce this range. There are many more zone districts than there are Comprehensive Plan land-use categories. Multiple zone districts should continue to be used to distinguish the different types of low- or moderate-density residential development which may occur within each area.

f. Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example, the MU-4 zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, depending on the prevailing character of the area and the adjacent uses.

g. The intent of the Future Land Use Map is to show use rather than ownership. However, in a number of cases, ownership is displayed to note the

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District’s limited jurisdiction. Specifically, non-park federal facilities are shown as “Federal” even though the actual uses include housing and industry (e.g., Bolling Air Force Base), offices (e.g., the Federal Triangle), hospitals (e.g., Veteran’s Administration), and other activities. Similarly, the “Local Public Facility” designation includes high-impact uses such as solid waste transfer stations and stadiums, as well as low-impact uses such as schools. Other maps in the Comprehensive Plan are used to show the specific types of public uses present in each area.

h. The Map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be generally comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan.

i. Streets and public rights-of-way are not an explicit land-use category on the Future Land Use Map. Within any given area, the streets that pass through are assigned the same designation as the adjacent uses.

j. Urban renewal plans remain in effect for parts of the District of Columbia, including Shaw, Downtown, and Fort Lincoln. These plans remain in effect and their controlling provisions must be considered as land use and zoning decisions are made.

k. If a development or redevelopment requires discretionary approvals, the developer must address the permanent, offsite displacement of residents and businesses.

l. Finally, the Future Land Use Map and the Generalized Policy Map can be amended. The Comprehensive Plan is intended to be a dynamic document that is periodically updated in response to the changing needs of the city. Requests to amend the maps can be made by residents, property owners, developers, and the District itself. In all cases, such changes require formal public hearings before the Council of the District of Columbia, and ample opportunities for formal public input. The process for Comprehensive Plan amendments is described in the Implementation Element. 228.1

**“229 INVESTING FOR AN INCLUSIVE CITY**

“229.1 Investing in adequate, well-maintained public facilities and infrastructure that meet the needs of a growing city will help implement the Comprehensive Plan and fulfill our vision of an inclusive city. Public facilities and infrastructure offer vital services to residents, businesses and visitors. They shape and enhance the public realm; provide affordable housing; contribute to health, wellness, and quality of life; support economic growth; and advance the District as a smart, sustainable, and resilient city. 229.1



## ENROLLED ORIGINAL

- “229.2 Public facility and infrastructure investments should address three priorities: reach and maintain a state of good repair; add capacity necessary to meet the needs of growth; and address the forces driving change to successfully respond to future opportunities and challenges. Capital investments that incorporate sustainable, resilient, and high-quality design features and respond to emerging technologies make the District a more attractive, efficient place to live and work, and will pay future dividends by reducing costs to public health and the environment. These investments ensure that the city’s transportation, housing at various income levels, communications, energy, water, and wastewater systems adequately serve the needs of the District, and that education, public-safety, and health and wellness facilities effectively and efficiently deliver high-quality services to residents, workers and visitors. The District must prioritize public investment in security, trauma, and violence prevention in the context of a public health crisis. 229.2
- “229.3 The District must use its resources and assets strategically to advance the well-being of all residents. When a development project depends on public subsidies, surplus land, and/or entitlements such as Zoning Map or Future Land Use Map amendments, Planned Unit Developments, variances, tax increment financing, and tax abatements, the District should leverage the enhanced value of the land that results. The enhanced value shall meet the equity needs of DC’s neighborhoods in the form of deeply affordable housing and other priorities detailed in the Comprehensive Plan. The leverage can take the form of deeply affordable housing units in excess of the Inclusionary Zoning requirements, special assessment cash contributions or increased tax rates, or other tools supported by the Comprehensive Plan. As an example, transit infrastructure investments, such as a new station, should be aligned with land use policies that support uses, densities, and connections that support transit-oriented development. The primary goal of this equity-leveraging effort is to ensure that land-use policies and actions align with the public investment and that District residents’ interests are balanced with the developers’ interests. 229.3
- “229.4 Public and private infrastructure and facilities within in the District include:
- Over 1,100 miles of streets, 2401 bridges, 1650 signalized intersections, and 70,000 streetlights;
  - 40 stations and 38 miles of track within the regional Metrorail system;
  - 87.9 miles of bicycle lanes, with 44 miles added since 2010, and 290 Capital Bikeshare stations
  - Approximately 400 miles of fiber optic cable;
  - Over 40,000 subsidized affordable rental units;
  - 236 traditional public and private charter schools, 26 public libraries, approximately 370 parks, and recreation facilities, and 60 public safety facilities;
  - Over 2,200 miles of electrical cable and related substations;
  - Over 2,300 miles of natural gas pipelines; and

## ENROLLED ORIGINAL

- Over 1,300 miles of drinking water pipes and 1,800 miles of sewer lines, with pumping stations. 229.4
- “229.5 Since the adoption of the 2006 Comprehensive Plan, the District and other entities undertook a variety of important facility and infrastructure investments to improve the quality of life for District residents. These investments have largely replaced aging infrastructure, improved existing facilities, or addressed environmental problems; however, few investments have actually expanded capacity to meet the city’s growing needs. Between 2006 and 2016, the city rehabilitated existing infrastructure such as schools, transit and electrical networks that were largely developed prior to the 1980’s. The city benefitted from the increasing tax revenues from growth while not experiencing the costs of expanding infrastructure to the same degree. The same cannot be said going forward. Increasingly, further population and job growth will require investments in new capacity. 229.5
- “229.6 The Forecast of D.C. Residents by Age in Figure 2.11 provides an example of increased demand: the District can expect more than 21,000 additional school-age children and another 7,000 infants and toddlers by 2025. D.C. Public Schools has capacity, but not necessarily in the neighborhoods expected to have the greatest growth in children. Other public and private infrastructure has investment needs to address both deferred maintenance and upgrade out-of-date facilities before investments can be made to expand capacity. The Metro transportation system, facilities for municipal fleets, and the electrical grid are only a few examples of where new investments are necessary to meet the growing needs of the city. 229.6
- “229.7 Forecasted growth will occur with competing priorities, rising costs, uncertain federal resources, and limited borrowing capacity. This will challenge the District to seek new ways of delivering the underlying structural supports that serve the residents and businesses of the city. Adding to the complexity, the District must function as a city, county, and a state, along with serving as the nation’s capital and the seat of the federal government. These are unique challenges not experienced by any other municipality in our nation. 229.7
- “229.8 The District’s Capital Improvement Plan (CIP) is the official plan for making improvements to public facilities and infrastructure over a six-year horizon. The 2006 Comprehensive Plan strengthened the linkage between the Plan and the CIP. Proposed projects are now evaluated for consistency with the Comprehensive Plan and other District policies and priorities. As a result, the Comprehensive Plan became a guide for capital investments, leading to greater coordination across agencies doing public facilities planning; and the development of review criteria for a more objective and transparent process. 229.8
- “229.9 Recognizing the difficulty of developing an appropriate capital plan to support the District’s needs, within the resources available, the District has implemented a new modeling tool called the Capital Asset Replacement Scheduling System (CARSS).

## ENROLLED ORIGINAL

- The tool provides a set of mechanisms and models that: enable the District to inventory and track all assets; uses asset condition assessments to determine the needs and timing for replacement; provide a tool to then prioritize and rank the associated capital projects, both new and maintenance projects; and then determine the funding gap and assess the impact on out-year budgets from insufficient capital budget. 229.9
- “229.10 The current FY 2017-2022 CIP allocates approximately \$6.3 billion to a wide range of capital projects in the District, including maintenance, replacement, or upgrade of vehicular fleets for police, fire, and emergency medical services; street, sidewalks, and alley infrastructure; and public buildings and facilities, such as schools, recreation centers, parks, health and wellness facilities, and police, fire, and government administration buildings. 229.10
- “229.11 The District also uses a 15-year Long-Range Capital Financial Plan to estimate the replacement needs of aging assets, evaluate how population growth will require expansion of existing infrastructure and facilities, and determine the District’s fiscal capacity to fund these projects. This long-range plan was conducted in 2016 and included an analysis that estimated a capital budget shortfall of approximately \$4.2 billion through 2022. This gap includes unfunded new capital projects needed to support the growing population and unfunded capital maintenance of existing assets. 229.11
- “229.12 Perhaps the most significant challenge the District faces to meet the needs of growth is an already relatively high debt per capita. District law requires that annual debt service be no more than 12 percent of general fund expenditures. This means the city has limited capacity to borrow funds for new long-term investments. Going forward, the District must consider innovative ways to deliver and finance infrastructure, perhaps learning from other parts of the country experiencing rapid growth similar to that of the District. 229.12
- “229.13 The District has already begun the process. The Long-Range Capital Financial Plan represents a more rigorous and efficient analysis of capital needs and fiscal capacity. On large sites with significant infrastructure needs, such as the Wharf along the Southwest Waterfront, the District is using tools like tax increment financing or payments in lieu of taxes to fund the needed infrastructure for the projects. The District recently created an Office of Public Private Partnerships, which is charged with building collaborations between the private sector and District government to design, build, fund, operate, and/or maintain key infrastructure and facility projects. The Office is exploring ideas such as co-location of private sector uses on District-owned land and social-impact bonds to fund new local public facilities. All are important steps, but more is needed to fully invest in an inclusive city. 229.13”.

ENROLLED ORIGINAL

Sec 3. Residential zoning guidance.

Upon submission of amendments to the Land Use Element of the Comprehensive Plan, the Office of Planning shall provide to the Council additional guidance on the following:

- (1) Options for increasing the variety of housing types in areas zoned for single-family detached and semi-detached housing; and
- (2) The implications on equity and affordability of allowing small multifamily buildings in all residential zones.

Sec. 4. Applicability.

No District element of the Comprehensive Plan for the National Capital shall apply until it has been reviewed by the National Capital Planning Commission as provided in Section 2(a) of the National Capital Planning Act of 1952, approved June 6, 1924 (43 Stat. 463; D.C. Official Code § 2-1002(a)), and Section 423 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.23).

Sec. 5. Fiscal impact statement.

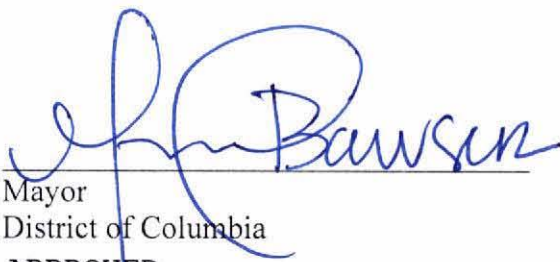
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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  
February 11, 2020

ENROLLED ORIGINAL

## A RESOLUTION

23-326

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to make it unlawful to deface or burn a religious or secular symbol on any property of another without permission or to place or display on such property a physical impression that a reasonable person would perceive as a threat to physically damage the property of another.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Community Harassment Prevention Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On November 5, 2019, the Council passed the Community Harassment Prevention Emergency Amendment Act of 2019, effective November 25, 2019 (D.C. Act 23-168; 66 DCR 15702), which is set to expire on February 23, 2020.

(b) On November 19, 2019, the Council passed the Community Harassment Prevention Second Temporary Amendment Act of 2019, enacted on December 5, 2019 (D.C. Act 23-176; 66 DCR 16183), which is projected to become law on March 7, 2020.

(c) To prevent a gap in the law between the expiration of the emergency legislation and the effective date of the temporary legislation, it is 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 Community Harassment Prevention 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

23-327

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To confirm the appointment of Ms. Ashley Emerson as the Executive Director of the Office on African American Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Executive Director of the Office on African American Affairs Ashley Emerson Confirmation Resolution of 2020”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Ashley Emerson  
D Street SE #203  
Washington, D.C. 20019  
(Ward 7)

as the Executive Director of the Office on African American Affairs, established by section 2 of the Office on African American Affairs Establishment Act of 2017, effective February 17, 2018 (D.C. Law 22-59; D.C. Official Code § 2-1398.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-331

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To confirm the appointment of Ms. Jeni Hansen as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Jeni Hansen Confirmation Resolution of 2020”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Jeni Hansen  
K Street, N.W.  
Washington, D.C. 20006  
(Ward 2)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, succeeding Donald Isaac, Sr., for a term to end May 7, 2023.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-332

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To confirm the appointment of Mr. Peter Winkler to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Employee Relations Board Peter Winkler Confirmation Resolution of 2020”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Peter Winkler  
Upton Street, N.W.  
Washington, D.C. 20008  
(Ward 3)

as a public member of the Public Employee Relations Board, pursuant to section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01), for a term to end December 12, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

23-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. M026 and M026A, and proposed Modification No. M027 to Contract No. DCRL-2016-C-0003 with Edgewood/Brookland Family Support Collaborative to provide community-based child welfare services during option year 4, and to authorize payment for the 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. DCRL-2016-C-0003 Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. M026 and M026A, and proposed Modification No. M027 to Contract No. DCRL-2016-C-0003 with Edgewood/Brookland Family Support Collaborative to provide community-based child welfare services, and to authorize payment for the services received and to be received under the modifications.

(b) By Modification No. M026, issued on September 26, 2019, the Child and Family Services Agency (“CFSA”) partially exercised option year 4 of Contract No. DCRL-2016-C-0003 in the not-to-exceed amount of \$952,862.60 for the period October 1, 2019, through February 29, 2020.

(c) By Modification No. M026A, issued on November 20, 2019, CFSA corrected Modification No. M026 by amending the not-to-exceed amount to \$955,638.95.

(d) By Modification No. M027, CFSA proposes to exercise the remainder of option year 4 for the period March 1, 2020, through September 30, 2020, in the not-to-exceed amount of \$1,337,894.48, making the total not-to-exceed amount for option year 4 \$2,293,533.43 for the period October 1, 2019, through September 30, 2020.

(e) Council approval is necessary because these modifications increase the total contract amount to more than \$1 million during a 12-month period.

(f) Council approval is necessary to allow the continuation of these vital services. Without this approval, Edgewood/Brookland Family Support Collaborative cannot be paid for services provided in excess of \$1 million.

**ENROLLED ORIGINAL**

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-C-0003 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

23-334

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-19-CS-RFQ-0001S and Modification No. 1 between the Department of General Services and Thiha, Inc., for small general construction projects, and authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCAM-19-CS-RFQ-0001S and Modification No. 1 with Thiha, Inc., Approval and Payment Authorization Emergency Declaration Resolution of 2020.”

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-19-CS-RFQ-0001S) (“Contract”) between the Department of General Services and Thiha, Inc., for small general construction projects, and to approve proposed Modification No. 1 to the Contract, and to authorize payment in the not-to-exceed amount of \$3.5 million for the goods and services received and to be received under the Contract and modification.

(b) Proposed Modification No. 1 would increase the Contract’s maximum aggregate not-to-exceed amount from \$990,000 to \$3.5 million.

(c) The proposed increase is in excess of \$1 million during a 12-month period; therefore, Council approval of the Contract, and Modification No. 1, is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Council approval of the Contract, and Modification No. 1, is necessary to allow the continuation of essential small general construction services at various District-owned and District-operated public schools, parks and recreation facilities, and other municipal facilities, and to compensate Thiha, Inc. for the goods and services received and to be received under the contract and modification.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-19-CS-RFQ-0001S and Modification No. 1 with Thiha, Inc., Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-335

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 50 and 51 to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. to provide ticket processing services, 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. POKV-2006-C-0064 Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 50 and 51 to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. to provide ticket processing services and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 50, dated December 19, 2019, the Office of Contracting and Procurement, on behalf of the Department of Motor Vehicles, extended Contract No. POKV-2006-C-0064, on a sole source basis, for the period from January 3, 2020, through February 15, 2020, in the not-to-exceed amount of \$1 million.

(c) Modification No. 51 is now necessary to extend Contract No. POKV-2006-C-0064 for the period beginning February 16, 2020, through May 15, 2020, in the not-to-exceed amount \$3.3 million, which will increase the total not-to-exceed amount for the period from January 3, 2020, through May 15, 2020, \$4.3 million.

(d) 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)), as these modifications increase the contract to one of more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Conduent State and Local Solutions, Inc. cannot be paid for the goods and services provided in excess of \$1 million for the contract period beginning January 3, 2020, through May 15, 2020.

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

**ENROLLED ORIGINAL**

Modifications to Contract No. POKV-2006-C-0064 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

23-336

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations, and to authorize payment for the goods and services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations and to authorize payment for the goods and services received and to be received under Modification Nos. 7, 7a, and 8 to Contract No. CW56525.

(b) On November 27, 2019, by Modification No. 7, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Aging and Community Living, exercised option year 2 from December 1, 2019, through November 30, 2020, in the not-to-exceed amount of \$999,999.

(c) Modification No. 7a corrected the option period to a partial option period from December 1, 2019, through February 29, 2020.

(d) OCP now desires to exercise the remainder of option year 2 and increase the not-to-exceed amount for option year 2 of Contract No. CW56525 to \$5,593,394.58 for the period December 1, 2019, through November 30, 2020.

(e) Council approval is necessary as this will increase the contract by more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Great American Corporation, d/b/a Dutch Mill Catering, cannot be paid for goods and services provided in excess of \$1 million for the period December 1, 2019, through November 30, 2020.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 7, 7a, and 8 to Contract No. CW56525 with Great American Corporation, d/b/a Dutch Mill Catering, 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

23-337

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom’s Meals, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations, and to authorize payment for the goods and services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom’s Meals, Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom’s Meals, to provide the preparation and delivery of meals to the elderly at congregate sites and the frail at homebound locations and to authorize payment for the goods and services received and to be received under Modification Nos. 7 and 8 to Contract No. CW56527.

(b) On November 27, 2019, by Modification No. 7, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Aging and Community Living, exercised option year 2 from December 1, 2019, through February 29, 2020, in the not-to-exceed amount of \$999,999.

(c) OCP now desires to exercise the remainder of option year 2 and increase the not-to-exceed amount for option year 2 of Contract No. CW56527 to \$3,754,181.20 for the period December 1, 2019 through November 30, 2020.

(d) Council approval is necessary as this will increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Purfoods, LLC, d/b/a Mom’s Meals, cannot be paid for goods and services provided in excess of \$1 million for the period December 1, 2019 through November 30, 2020.



**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 7 and 8 to Contract No. CW56527 with Purfoods, LLC, d/b/a Mom's Meals, 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

23-338

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 8, 9, and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc., to provide mobile response child and youth crises services, 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 “Modification Nos. 8, 9 and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Modification Nos. 8, 9, and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc., to provide mobile response child and youth crises services and to authorize payment for the goods and services received and to be received under the modifications.

(b) On July 19, 2019, by Modification No. 8, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Behavioral Health, exercised a partial option of option year 2 from July 20, 2019, through November 19, 2019, in the not-to-exceed amount of \$770,799.80.

(c) On November 19, 2019, by Modification No. 9, the OCP exercised another partial option of option year 2 from November 20, 2019, through February 19, 2020, in the additional not-to-exceed amount of \$192,699.95.

(d) OCP now desires to exercise the remainder of option year 2 and increase the total not-to-exceed amount for option year 2 of Contract No. RM-17-C-050-BY4-DJW to \$2,312,399.40 for the period July 20, 2019, through July 19, 2020.

(e) Council approval is necessary as this will increase the contract to one of more than \$1 million during a 12-month period.

(f) Council Approval is necessary to allow the continuation of these vital services. Without this approval, Anchor Mental Health Association, Inc. cannot be paid for goods and services provided in excess of \$1 million for the period July 20, 2019, through July 19, 2020.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 8, 9 and 10 to Contract No. RM-17-C-050-BY4-DJW with Anchor Mental Health Association, Inc. Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-339

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. CW67691 and Modification Nos. 2 and 3 to Contract No. CW67691 with Keefe Commissary Network, LLC to provide commissary services for District inmates, and to authorize payment for the goods and services received and to be received under the contract and the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW67691 and Modifications to Contract No. CW67691 Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists a need to approve Contract No. CW67691 and Modification Nos. 2 and 3 to Contract No. CW67691 with Keefe Commissary Network, LLC to provide commissary services for District inmates and to authorize payment for the goods and services received and to be received under the contract and the modifications.

(b) On September 12, 2019, by Purchase Order 599358-V3, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Corrections, increased the base period amount of the contract from \$950,000 to the not-to-exceed amount of \$1,446,225.

(c) Council approval of Contract No. CW67691 is necessary because with Purchase Order 599358-V3, the value of the contract was increased to one of more than \$1 million during the base period.

(d) On September 10, 2019, by Modification No. 2, OCP exercised a partial option of Option Year One from October 1, 2019, through March 31, 2020, in the in the not-to-exceed amount of \$1 million.

(e) With proposed Modification No. 3, OCP desires to exercise the remainder of Option Year One and increase the total not-to-exceed amount for Contract No. CW67691 to \$2 million for the period from October 1, 2019, through September 30, 2020.

(f) Council approval of Modification Nos. 2 and 3 is necessary since the modifications will increase the contract amount by more than \$1 million during Option Year One.

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Keefe Commissary Network, LLC cannot be paid for the goods and services provided

**ENROLLED ORIGINAL**

in excess of \$1 million for the period from February 1, 2019, through September 30, 2019, and for the period October 1, 2019, through September 30, 2020.

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. CW67691 and Modifications to Contract No. CW67691 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

23-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the sense of the Council on having the District Department of Transportation annually recognize February 4 as Bus-to-Work Day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Urging the District Department of Transportation to Annually Recognize Bus-to-Work Day Resolution of 2020”.

Sec. 2. The Council finds that:

(1) Thousands of District residents rely on public transit buses to provide safe, efficient, and dependable transportation to work, school, shopping centers, and various appointments each day.

(2) Public transportation is an immediate way to conserve energy and to support the environment by reducing road congestion, improving air quality, and stimulating local economies and business centers.

(3) For every passenger mile traveled, public transportation is twice as fuel efficient as private automobiles.

(4) Buses emit 20% less carbon monoxide, 10% as much hydrocarbons, and 75% as much nitrogen oxides per passenger mile than an automobile with a single occupant.

(5) The National Safety Council estimates that riding the bus is over 170 times safer than automobile travel.

(6) Traveling by bus is financially responsible and saves on monthly expenses by reducing expenditures on gas, car payments, insurance, and car maintenance.

(7) Increased bus ridership will benefit the District by improving air quality, decreasing congestion, saving money and time, and increasing social connections.

(8) A Bus-to-Work Day would encourage trips by public transit and promote broader community sustainability and climate goals.

(9) A Bus-to-Work Day would coincide with Transit Equity Day, a collaborative effort of several organizations and unions to promote public transit as a civil right and a strategy to combat climate change.

**ENROLLED ORIGINAL**

Sec. 3. It is the sense of the Council that the District Department of Transportation, to emphasize the importance of public transportation and encourage District residents and visitors to travel by bus, should annually recognize February 4 as Bus-to-Work Day.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Director of the District Department of Transportation, and to the Mayor.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

23-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the sense of the Council in support of the Federal City Council’s Langston Initiative to improve the quality and function of the 3 federally owned golf courses in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of the Langston Initiative Resolution of 2020”.

Sec. 2. The Council finds that:

(1) The National Park Service is the custodian of Langston Golf Course, Rock Creek Park Golf Course, and the East Potomac Park Golf Course. Each of these golf courses, which are listed in the National Register of Historic Places, need investments in their infrastructures.

(2) The Langston Golf Course is a historic 18-hole course, which opened on June 9, 1939, named after John Mercer Langston, the first African American elected into public office and the first dean of the Howard University Law School. Since its desegregation in 1941, Langston Golf Course has been a celebrated beacon of African American golf heritage and a place for all residents of the District to learn and enjoy golfing.

(3) The National Park Service has issued a request for proposals for a long-term lease to manage and maintain the 3 golf courses.

(4) The Federal City Council created Langston Initiative Partners, an independent 501(c)(3) corporation, to oversee its efforts to secure a competitive lease for the 3 golf courses from the National Park Service. The Federal City Council chose to brand this effort as the “Langston Initiative” to honor the legacy of the Langston Golf Course and to demonstrate its commitment to connecting the courses to their communities.

(5) The Langston Initiative has indicated that if awarded the long-term lease to manage and maintain the 3 golf courses, it would provide the necessary physical and operational improvements needed to promote greater use and enjoyment of the 3 golf courses by residents and visitors, enhance environmental stewardship on the properties, and preserve the relative affordability of the 3 public courses with scaled greens fees.



**ENROLLED ORIGINAL**

(6) The Langston Initiative has engaged with the community on its proposal for improving the 3 golf courses and indicated that the investment in this project would include community benefits, such as providing residents of the District with job training and employment opportunities and limiting environmental impacts to the Anacostia River.

Sec. 3. It is the sense of the Council that the Langston Initiative is uniquely positioned to make the physical and operational improvements to the 3 federally owned golf courses in a way that ensures that local residents have access to the wide range of programming and amenities that will be offered by the golf courses.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the President of the United States, the United States House of Representatives, the United States Senate, and Congresswoman Eleanor Holmes Norton.

Sec.5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A RESOLUTION

23-344

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to amend the District of Columbia Nonresident Tuition Act, to allow District of Columbia students enrolled at District of Columbia Public Schools or public charter schools who attend non-public schools or programs to continue their education for the remainder of the school year in which legal permanency is achieved and through the end of the following school year, without payment of nonresident tuition, if the child ceases to be in the care and custody of the District as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Non-Public Student Educational Continuity Emergency Declaration Resolution of 2020”.

Sec. 2. (a) In 2014, the Council passed the Educational Continuity Amendment Act of 2014, creating a residency exemption for wards of the state.

(b) This requirement allowed for youth under the care of the District to continue to attend their DCPS or public charter school in the event they are placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia, allowing for continuity in education.

(c) Unfortunately, the current language of the law leaves out the most vulnerable students, those who are enrolled in a DCPS or public charter school and attending a non-public school or program.

(d) The Committee on Education has become aware of a number of students this year who are impacted by this loophole.

(e) Emergency legislation is necessary to allow OSSE the clarity it needs to ensure these students maintain the continuity of education afforded to students not in non-public placement.

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 Non-Public Student Educational Continuity Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

23-345

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to amend Title 25 of the District of Columbia Official Code to require establishments licensed by the Alcohol Beverage Control Board seeking to install a game of skill to obtain a game of skill endorsement from the Board; and to amend An Act to establish a code of law for the District of Columbia to make it unlawful to install or operate a game of skill terminal or electronic gaming device unless licensed under Title 25 of the D.C. Official Code.

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

Sec. 2. (a) Barring an exception, gambling and other forms of games of chance are strictly prohibited in the District of Columbia. These games include roulette, keno, and thimbles.

(b) Unlike games of chance, there is a growing trend in the entertainment industry called “games of skill”. One’s success, or likelihood of winning a game of skill, is less dependent on chance and more dependent on a person’s skill level.

(c) Games of skill have grown in popularity throughout the country. Many states have promulgated laws to regulate these electronic devices, while others have legislation in the works.

(d) In those states that have not regulated games of skill, they have seen a proliferation of these devices in licensed establishments and non-licensed establishments. Not only are these games saturating the market in these states, they are doing so without any financial consequence in an unregulated environment, without an established legal-age requirement, or any consumer protections.

(e) The Alcoholic Beverage Control Board (“ABC Board”), after receiving a legal opinion from the Office of the Attorney General for the District of Columbia concerning the legality of games of skill, is considering an ABC Board-licensed establishment’s request to allow it to install a game of skill electronic gaming device on its premises.

(f) Given the popularity of these games in other jurisdictions, including nearby jurisdictions such as Virginia and Pennsylvania, and the industry’s desire to stay on-trend so that it can attract and retain patrons, it is reasonably foreseeable to expect that the ABC Board will receive additional requests from ABC Board-licensed establishments to be allowed to install games of skill. Similarly, it is foreseeable that games of skill may begin to appear in non-ABC Board-licensed establishments, thereby bypassing the ABC Board’s approval.

**ENROLLED ORIGINAL**

(g) In anticipation of additional requests from licensed establishments for permission to install game of skill devices on the licensed premises, immediate legislative action is necessary to address potential public-safety concerns. The emergency legislation will accomplish this by: (1) setting a minimum age for playing a game of skill; (2) establishing enforcement procedures; (3) establishing consumer-protection mechanisms; and (4) ensuring that installed games of skill are legally permissible devices and not unlawful gambling devices.

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 Games of Skill Consumer Protection Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-346

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to amend Title III of the CleanEnergy DC Omnibus Amendment Act of 2018 to revise the timeline for phase-in of smaller buildings into the Building Energy Performance Standards Program implemented by the Department of Energy and Environment, to require the Department of Energy and Environment to establish new building energy performance standards every 6 years instead of every 5 years, to clarify language requiring buildings to comply with the building energy performance standards, and to provide that the strategic energy management plan for District buildings shall be delivered by September 30, 2020; and to amend the District of Columbia Traffic Act, 1925 to provide that the rules revising the calculation of the vehicle excise tax shall be issued by January 1, 2021, and to provide that changes to the vehicle excise tax shall be revenue neutral or revenue positive.

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

Sec. 2. (a) The CleanEnergy DC Omnibus Amendment Act of 2018 (“Act”) became law on March 22, 2019. Titles II, III, IV, and V of the Act became applicable when they were funded on October 1, 2019.

(b) Title III of the Act requires the Department of Energy and Environment (“DOEE”) to establish the first building energy performance standard by January 1, 2021, for buildings with at least 50,000 square feet of gross floor area. The Act then requires that DOEE establish building energy performance standards for buildings with at least 25,000 square feet of gross floor area by January 1, 2023, and for buildings with at least 10,000 square feet of gross floor area by January 1, 2026. The Act provides that building owners have 5 years to comply with the building energy performance standards, and requires DOEE to, every 5 years, establish property types and building energy performance standards for each property type.

(c) Before establishing the first building energy performance standard, required by January 1, 2021, DOEE must propose, receive public comment on, and finalize rules to implement the building energy performance standard program (“Program”). DOEE is required to

**ENROLLED ORIGINAL**

consult with the Building Energy Performance Standards Task Force (“Task Force”) established by the Act in drafting the rules. The Task Force held its first meeting in December 2019.

(d) In reviewing the law in preparation for drafting rules implementing the Program, DOEE noticed inconsistencies within the Act regarding the requirement for buildings to comply with the building energy performance standards. Further, DOEE determined that the staggered application of the Program to different categories of building size is inefficient and likely to waste resources at the agency. DOEE also determined that it is impracticable for the agency to set a new building performance standard every 5 years, given that buildings have 5 years to comply with the building energy performance standard, and a new standard should incorporate data from the final year of compliance, which the agency will not receive until March of the following year. It would be most efficient for all buildings to be on the same compliance cycle, and setting a new standard every 6 years would allow time for the incorporation of data from the final year of compliance.

(e) Title III of the Act also requires DOEE and the Department of General Services to deliver a strategic energy management plan by January 1, 2020. However, as Title III of the Act did not become effective until it was funded on October 1, 2019, DOEE and the Department of General Services will be unable to meet this deadline.

(f) Section 501 of the Act requires the Department of Motor Vehicles (“DMV”) to issue revenue-neutral rules revising the calculation of the vehicle excise tax by January 1, 2020. As section 501 of the Act did not become effective until it was funded on October 1, 2019, DMV will be unable to meet this deadline. Further, in preparing a draft of these rules, DMV and DOEE have determined that it is exceedingly difficult to guarantee that the rules will be precisely revenue-neutral, and the agencies are concerned that this strict requirement could become a basis for challenging the rules after they are issued.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

23-347

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to amend the Condominium Warranty Act of 1976 to clarify the standards and procedures governing the resolution of a claim for a condominium developer's warranty against structural defects, that a claimant may appeal the findings of the Mayor to the Office of Administrative Hearings, and the circumstances when the Mayor may release the warranty security funds to a claimant.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Condominium Warranty Claims Clarification Emergency Declaration Resolution of 2020".

Sec. 2. (a) The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 12-1903.16) ("act"), established initial procedures for a declarant to warrant against structural defects.

(b) The District of Columbia Department of Housing and Community Development has been designated by the Mayor to administer the Condominium Act of 1976.

(c) The increased number of condominiums in the District has led to a sharp increase in the number of structural defect warranty claims without standards and procedures governing an adjudication process to resolve those claims.

(d) Therefore, there exists an immediate need to amend the act to establish a process to resolve warranty claims that arise under the 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 Condominium Warranty Claims Clarification Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to approve the reprogramming request of Fiscal Year 2020 Capital Funds in the amount of \$1.49 million from the Homeland Security and Emergency Management Agency to the Department of General Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reprogramming Fiscal Year 2020 Capital Funds in the amount of \$1,490,000 from the Homeland Security and Emergency Management Agency to the Department of General Services Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The Executive submitted a reprogramming request to the Council on January 31, 2020, to transfer Fiscal Year 2020 Capital Funds in the amount of \$1.49 million from the Homeland Security and Emergency Management Agency to the Department of General Services; which funds will be used for the proposed purchase of the W Street transfer station located on or near W Street, N.E., east of Brentwood Road, N.E., Lots 36, 41, and 0802 in Square 3942 and Parcels 0143/107 and 0143/110 (“W Street Site”).

(b) The District government has a significant need for warehousing and storage space for equipment, records, property, and supplies. The District’s need for warehousing and storage space is near to exceeding the District’s current capacity at its owned facilities and there is a reduction in the supply of, and limited vacancy within, warehouse space available for lease in the District.

(c) The W Street Site is currently occupied by a private trash transfer station.

(d) Acquisition of the W Street Site will allow the District to construct and operate a warehouse and storage facility at the W Street Site before the District runs out of District-owned space for these purposes.

(e) Immediate Council approval of this reprogramming is necessary in order for the Department of General Services to have the funds available to acquire all of the lots associated with the trash-transfer business by the exercise of eminent domain for the purposes of meeting the District’s warehousing and storage needs.



**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 Reprogramming Fiscal Year 2020 Capital Funds in the amount of \$1,490,000 from the Homeland Security and Emergency Management Agency to the Department of General Services Emergency Approval Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-349

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the existence of an emergency with respect to the need to amend the Warehousing and Storage Eminent Domain Authority Act of 2019 to expand the lots that the Mayor is authorized to acquire by the exercise of eminent domain for the purposes of warehousing and storage.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Warehousing and Storage Eminent Domain Authority Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The District government has a significant need for warehousing and storage space for equipment, records, property, and supplies.

(b) The District’s need for warehousing and storage space is near to exceeding the District’s current capacity at its owned facilities and there is a reduction in the supply of, and limited vacancy within, warehouse space available for lease in the District.

(c) The District has identified a site located on or near W Street, N.E., east of Brentwood Road, N.E., Lots 36, 41, and 0802 in Square 3942 and Parcels 0143/107 and 0143/110 (“W Street Site”) as a strong site for warehousing and storage purposes.

(d) The W Street Site is currently occupied by a private trash-transfer station.

(e) Acquisition of the W Street Site will allow the District to construct and operate a warehouse and storage facility at the W Street Site before the District runs out of District-owned space for these purposes.

(f) The Council enacted the Warehousing and Storage Eminent Domain Authority Act of 2019, effective September 11, 2019 (D.C. Law 23-18; 66 DCR 9722) (“Law 23-18”), which authorized the Mayor to acquire, through the exercise of eminent domain, Lots 36 and 41 in Square 3942 and Parcel 0143/107.

(g) The authorization granted by Council under Law 23-18 does not include all of the lots associated with the trash-transfer station business and does not meet the District’s significant warehousing and storage needs.

**ENROLLED ORIGINAL**

(h) Legislation is needed, on an expedited basis, to authorize the Mayor to acquire all the lots associated with the trash-transfer business by the exercise of eminent domain for the purposes of meeting the District's warehousing and storage needs.

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 Warehousing and Storage Eminent Domain Authority Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

B23-656            Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020  
  
Intro. 2-5-20 by Councilmember Allen and referred to the Committee of the Whole

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B23-657            CleanEnergy DC Omnibus Amendment Act of 2020  
  
Intro. 2-5-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment with comments from the Committee on Facilities and Procurement

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B23-658            Quick-Hire Amendment Act of 2020  
  
Intro. 2-5-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development

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**PROPOSED RESOLUTIONS**

PR23-683           Inspector General Daniel W. Lucas Confirmation Resolution of 2020  
  
Intro. 2-6-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

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- PR23-684 Chief Medical Examiner Roger A. Mitchell, Jr. Confirmation Resolution of 2020
- Intro. 2-6-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR23-685 Deputy Mayor for Planning and Economic Development John Falcicchio Confirmation Resolution of 2020
- Intro. 2-6-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-686 Medical Marijuana Change of Ownership or Location Rulemaking Approval Resolution of 2020
- Intro. 2-6-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-687 Vital Voices Global Partnership, Inc., Revenue Bonds Project Approval Resolution of 2020
- Intro. 2-7-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF A PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**Bill 23-489, “Intra-District Transfer Limitation Amendment Act of 2019”**

**Unfunded Spending Initiatives and Deficiency Spending**

on

**Wednesday, March 4, 2020  
10:00 a.m., Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on **Bill 23-489, the “Intra-District Transfer Limitation Amendment Act of 2019”** and the related issue of “Unfunded Spending Initiatives and Deficiency Spending.” The hearing will be held on **Wednesday, March 4, 2020 at 10:00 a.m. in Room 120** of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 23-489 is to amend District law to clarify that intra-District transfers shall not be used to establish new programs or to change allocations that were specifically denied, limited, or increased by the Council in a budget act or its accompanying budget report or mark-up sheets. This issue arose, for example, when the Council rejected the Mayor’s budget proposal to shift funding from the Metropolitan Police Department to the District Department of Transportation for photo traffic enforcement. In addition, the hearing will consider a number of budgetary actions taken over the last year regarding the Council’s intent for the budget. For example, through the Fiscal Year 2019 Revised Local Budget adopted by the Council in June 2019, the Council rescinded funding that was intended to provide free circulator service for the remainder of FY 2019; however, the free service continued until the end of the Fiscal Year. The Executive has used a number of tools to implement programs or initiatives that were previously neither authorized nor budgeted by the Council. Such initiatives include \$10 million in CCTV cameras through a contingency cash draw at the end of FY 2019, establishment of a new Office of Creative Affairs through reprogrammings, and a subsidized for-hire vehicle program through vague statutory authorization.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, March 2, 2020. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on March 2, 2020 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Roundtable materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the roundtable.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on March 18, 2020.

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

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE

on

**PR 23-660, “Urban Renewal Plan for the Shaw School Urban Renewal Area and Downtown Urban Renewal Area Termination Approval Resolution of 2020”**

on

**Tuesday, February 25, 2020, 2:00 p.m.**  
**(or immediately following preceding hearing)**  
**Hearing Room 412, John A. Wilson Building**  
**1350 Pennsylvania Avenue, NW**  
**Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of Whole on PR 23-660, “Urban Renewal Plan for the Shaw School Urban Renewal Area and Downtown Urban Renewal Area Termination Approval Resolution of 2020.” The roundtable will be held **Tuesday, February 25, 2020, 2:00 p.m.** (or immediately following the preceding hearing) in **Hearing Room 412** of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of **PR 23-660** is to approve modifications to the Urban Renewal Plans for the Shaw School Urban Renewal Area and the Downtown Urban Renewal Area. These modifications were approved by the National Capital Planning Commission (NCPC) on December 5, 2019. In 1969, NCPC adopted the Shaw School and Downtown Urban Renewal Plans. Since adoption, the two plans guided rehabilitation and renewal of the two designated areas, albeit with a number of negative consequences. Both the Executive and NCPC agree that the standards contained in the plans are now outdated and no longer align with current zoning and planning initiatives. In response, the Office of Planning asked NCPC to consider an early end to the two urban renewal areas that are set to otherwise terminate in 2028 unless the Council approves NCPC’s action.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, February 21, 2020**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 21, 2020 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Roundtable materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the roundtable.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on March 10, 2020.



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

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

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

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

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**GBM 23-65:** FY 2020 Grant Budget Modifications of January 27, 2020

RECEIVED: 14-day review begins February 12, 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

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**Reprog. 23-77:** Request to reprogram \$800,000 in Capital Funds budget authority and allotment from the Department of General Services to the Department of Parks and Recreation was filed in the Office of the Secretary on February 7, 2020. This reprogramming will ensure that the budget is aligned with the higher-priority need.

RECEIVED: 14-day review begins February 10, 2020

**Reprog. 23-78:** Request to reprogram \$1,163,000 in Capital Funds budget authority and allotment within the Department of Parks and Recreation was filed in the Office of the Secretary on February 7, 2020. This reprogramming is needed to fund the storm water project at Lafayette Recreation Center.

RECEIVED: 14-day review begins February 10, 2020

**Reprog. 23-79:** Request to reprogram \$725,000 in Local Funds budget authority within the Office of the State Superintendent of Education was filed in the Office of the Secretary on February 7, 2020. This reprogramming ensures that OSSE will be able to procure professional services for maintenance of critical information technology systems and to support other divisions within OSSE.

RECEIVED: 14-day review begins February 10, 2020

**Reprog. 23-80:** Request to reprogram \$2,500,000 in Capital Funds budget authority and allotment within the Department of Health Care Finance was filed in the Office of the Secretary on February 7, 2020. This reprogramming will ensure that the budget is aligned with higher-priority needs.

RECEIVED: 14-day review begins February 10, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020
License No.: ABRA-099505
Licensee: Cotton & Reed, Inc.
Trade Name: Cotton & Reed
License Class: Manufacturer Class "A"
Address: 1330 5th Street, N.E.
Contact: Jordan Cotton, Secretary: (203) 544-2805

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Sidewalk Café Endorsement with 4 seats.

CURRENT HOURS OF OPERATION (INSIDE PREMISES)

Sunday 12pm - 2am
Monday through Thursday 5am - 2am
Friday and Saturday 5am - 3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES)

Sunday 12pm - 12am
Monday through Saturday 7am - 12am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SIDEWALK CAFÉ)

Sunday through Thursday 12pm - 2am
Friday and Saturday 10am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-112282
Licensee: Estrada Ramos, Inc.
Trade Name: Elizabeth Bar and Grill
License Class: Retailer's Class "C" Restaurant
Address: 5217 Georgia Avenue, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 4 ANC 4D SMD 4D04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Thursday 11 am - 2am, Friday and Saturday 11 am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-102051
Licensee: TeemNow, LLC
Trade Name: Exiles
License Class: Retailer's Class "C" Tavern
Address: 1610 U Street, N.W.
Contact: Donogh Gilhooly: (202) 232-2171

WARD 2 ANC 2B SMD 2B08

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Licensee is applying to add Sports Wagering to their operations. Establishment will have geo fenced mobile applications inside the premises. No physical betting devices will be located on the premises.

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

Sunday 10am - 2am, Monday through Thursday 4:30pm - 2am Friday 4:30pm - 3am, Saturday 9am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020
Protest Hearing Date: June 3, 2020

License No.: ABRA-116124
Licensee: Ircias Kitchen, LLC
Trade Name: Ircias Kitchen
License Class: Retailer's Class "C" Restaurant
Address: 3629 12th Street, N.E.
Contact: Ircia Palacios: (202) 808-4865

WARD 5

ANC 5B

SMD5B02

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 April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on June 3, 2020 at 1:30 p.m.

NATURE OF OPERATION

Restaurant serving delicatessen-style foods, including sandwiches, soups and salads. Seating Capacity of 18 and a Total Occupancy Load of 18.

HOURS OF OPERATION

Sunday through Thursday 6am – 2am, Friday and Saturday 6am – 3am.

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 12pm – 2am, Friday and Saturday 12pm – 3am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020
Protest Hearing Date: June 3, 2020

License No.: ABRA-116122
Licensee: Baker's Bread DC, LLC
Trade Name: Junction Bistro Bar & Bakery
License Class: Retailer's Class "C" Restaurant
Address: 238 Massachusetts Ave, N.E.
Contact: Ashley E. Wiggins (202) 530-7169

WARD 6

ANC 6C

SMD 6C02

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 April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on June 3, 2020 at 1:30 p.m.

NATURE OF OPERATION

An American bakery and bistro offering soups, salads, sandwiches, hot and cold entrée items, pastries, and desserts, with a Total Occupancy Load of 100 and seating for 100.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

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



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-074849
Licensee: Amaya-I, LLC
Trade Name: La Cabana Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 3614 14th Street, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 1 ANC 1A SMD 1A01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Thursday 11am - 2am, Friday and Saturday 11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-070773
Licensee: La Libertad Restaurant, Inc.
Trade Name: La Libertad Restaurant
License Class: Retailer's Class "C" Tavern
Address: 4622 14th Street, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 4 ANC 4C SMD 4C03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-092074
Licensee: Toro Bar Corporation
Trade Name: La Troja Billar
License Class: Retailer's Class "C" Tavern
Address: 3708 14th Street, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 4 ANC 4C SMD 4C04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-094826
Licensee: La Villa Restaurant Inc.
Trade Name: La Villa Cafe
License Class: Retailer's Class "C" Restaurant
Address: 6115 Georgia Avenue, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 4 ANC 4B SMD 4B04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020  
 Protest Petition Deadline: March 30, 2020  
 Roll Call Hearing Date: April 13, 2020

License No.: ABRA-001271  
 Licensee: Georgene Thompson  
 Trade Name: Player's Lounge  
 License Class: Retailer's Class "C" Nightclub  
 Address: 2737 Martin Luther King Jr. Avenue, S.E.  
 Contact: Stephen O'Brien: (202) 625-7700

WARD 8                      ANC 8C                      SMD 8C02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020
Protest Hearing Date: June 3, 2020

License No.: ABRA-116118
Licensee: Souvlaki DuPont, LLC
Trade Name: Souvlaki
License Class: Retailer's Class "D" Restaurant
Address: 1917 18th Street, N.W.
Contact: Sean T. Morris: (301) 654-6570

WARD 2

ANC 2B

SMD 2B08

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 April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on June 3, 2020 at 4:30 p.m.

NATURE OF OPERATION

The Establishment will be a restaurant offering quick-service Greek cuisine. Seating Capacity of 25 inside and a Total Occupancy Load of 40. Request to add a Sidewalk Café with a Total Occupancy Load of 12.

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

Sunday through Saturday 11am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020
Protest Hearing Date: June 3, 2020

License No.: ABRA-116413
Licensee: ESQ Bower, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Restaurant
Address: 1300 4th Street, S.E., Suite #100
Contact: Sidon Yohannes: (202) 686-7600

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 April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on June 3, 2020 at 4:30 p.m.

NATURE OF OPERATION

The Establishment will be a restaurant serving pizza and sandwiches. Total Occupancy Load of 130, including 30 seats on a Summer Garden.

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

Sunday through Saturday 11am –12am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-019333
Licensee: 1345 Corporation
Trade Name: The Big Hunt
License Class: Retailer's Class "C" Tavern
Address: 1345 Connecticut Avenue, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 2 ANC 2B SMD 2B07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Thursday 11am - 2am, Friday and Saturday 11am - 3am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-109475
Licensee: White Russian, LLC
Trade Name: The Eleanor DC
License Class: Retailer's Class "C" Tavern
Address: 100 Florida Avenue, N.E.
Contact: Stephen O'Brien: (202) 625-7700

WARD 5 ANC 5E SMD 5E03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

Sunday through Thursday 11am - 2am, Friday and Saturday 11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-000168
Licensee: G and G Investments, Inc.
Trade Name: Trio Rest & Fox & Hounds Lounge
License Class: Retailer's Class "C" Restaurant
Address: 1537 17th Street, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 2 ANC 2B SMD 2B05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

CURRENT HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10am - 2am, Monday through Thursday 8am - 2am, Friday and Saturday 8am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 14, 2020
Protest Petition Deadline: March 30, 2020
Roll Call Hearing Date: April 13, 2020

License No.: ABRA-096141
Licensee: Zion Kitchen and Trading, Inc.
Trade Name: ZK Lounge & West Africa Grill
License Class: Retailer's Class "C" Restaurant
Address: 1805 Montana Avenue, N.E.
Contact: Stephen O'Brien: (202) 625-7700

WARD 5 ANC 5C SMD 5C05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 13, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

The licensee is requesting to install three (3) Dragon's Ascent electronic games of skill machines.

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

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

## DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING  
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, “Sex Worker and Community Health and Safety Act of 2020,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, March 4, 2020 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003.

In making a subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or [ogc@dcboe.org](mailto:ogc@dcboe.org) and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, February 28, 2020, at 4:00 p.m.. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at [ogc@dcboe.org](mailto:ogc@dcboe.org) by that date and time as well. Each speaker shall be permitted a maximum of three minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative read as follows:

**SHORT TITLE**

Sex Worker and Community Health and Safety Act of 2020

### SUMMARY STATEMENT

If enacted, this Initiative would remove criminal penalties for sex workers and other consenting adults who engage in paid sexual activities, while maintaining criminal penalties for human trafficking and paid sexual activities involving minors. This initiative would also broaden current law to make it a criminal offense for law enforcement and other government personnel to engage in a sexual act with anyone under criminal investigation, in custody, incarcerated, on parole or probation, or under supervised release.

### LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sex Worker and Community Health and Safety Act of 2020.”

Section 1. Findings and Declaration of Policy.

(a) The people of the District of Columbia find that:

- (1) The District of Columbia has long been arresting, prosecuting and incarcerating adults for consensual sexual exchanges. Although widely used, this criminalization approach has not worked; instead, criminalization fosters violence and exploitation of the most vulnerable people.
- (2) In Rhode Island, indoor consensual adult prostitution was decriminalized from 2003 to 2009, during which period reported rapes decreased by 31% and gonorrhea cases decreased by 39%.
- (3) Research shows that over 80% of street-based sex workers experience violence in the course of their work.

- (4) Sex workers often experience homelessness and are engaged in sex work in order to meet their basic needs (shelter, food, hygiene).
  - (5) Criminalization of sex work has a greater negative impact on groups already facing discrimination, including communities of color, LGBTQ individuals, persons with disabilities, and immigrants.
- (b) It is declared the policy of this act to:
- (1) promote the health and safety of sex workers by decriminalizing paid sexual activities between consenting adults;
  - (2) maintain criminal penalties for human trafficking and paid sexual activities involving minors; and
  - (3) ensure that protections against sexual abuse cover anyone under criminal investigation, in custody, incarcerated, on parole or probation, or under supervised release.

**--D.C. Code §22-2701--**

Section 2. Section 1 of An Act for the Suppression of Prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code §22-2701), is amended as follows:

“§22-2701. Engaging in a sexual act in return for receiving anything of value.

“(a) It is unlawful for any child to engage in or offer to engage in a sexual act or sexual contact in return for receiving anything of value.

“(b) (1) A child who engages in or offers to engage in a sexual act or sexual contact in return for receiving anything of value shall be immune from prosecution for a violation of subsection (a) of this section.

“(2) The Metropolitan Police Department shall refer any child suspected of engaging in or offering to engage in a sexual act or sexual contact in return for receiving anything of value to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of children under §22-1834.

“(c) For purposes of this section, the term ‘child’ means a person who has not attained the age of 18 years.”

**--D.C. Code §22-2703--**

Section 3. Section 3 of An Act for the Suppression of Prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code §22-2703) is repealed.

**--D.C. Code §22-2707--**

Section 4. Section 3 of An Act in Relation to Pandering, to Define and Prohibit the Same and to Provide for the Punishment Thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §22-2707) is amended as follows:

(a) Subsection (a) is amended to read as follows: “(a) Except as provided in subsection (b), it is unlawful for any person, within the District of Columbia, to receive any money or other valuable thing for or on account of arranging for or causing any other person to engage in a sexual act or contact.”

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

“(b) It shall not be unlawful for an adult to receive any money or other valuable thing for or on account of arranging for or causing any other adult or adults to engage in a sexual act or contact—

(1) if such other adult or adults have voluntarily consented to such act or contact; and

(2) if no conduct by the person arranging for or causing such other adult or adults to engage in a sexual act or contact violates any provision of the Prohibition Against Human Trafficking Amendment Act of 2010, effective Oct. 23, 2010 (D.C. Law 18-239; D.C. Official Code §§22-1831 et seq.).”

(c) Subsection (b) is re-lettered as subsection (c).

(d) A new subsection (d) is added as follows: “(d) For purposes of this section, the term ‘adult’ means a person who has attained the age of 18 years.”

**--D.C. Code §22-2713--**

Section 5. Section 1 of an Act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 17, 1914 (38 Stat. 280; D.C. Official Code §22-2713) is amended by adding a new subsection (c) as follows:

“(c) No single family accommodation or rental unit as defined in §42-3401.03 shall be treated as a building or place used for the purpose of lewdness, assignation or prostitution within the meaning of subsection (a) by reason of any lawful conduct by any person who has attained 18 years of age and who uses such single family accommodation or rental unit as such person’s principal residence or by reason of any lawful conduct in which such person participates.”



**--D.C. Code §22-2722--**

Section 6. Section 1 of An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Code §22-2722) is repealed.

**--D.C. Code §22-3013--**

Section 7. Section 212 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §22-3013) is amended by re-numbering such section as subsection (a) of such section and adding a new subsection (b) as follows:

“(b) Any police officer, probation officer, parole officer, corrections officer, or other officer or employee of the District of Columbia acting under color of law, who –

- (i) engages in a sexual act with a person who is the subject of an investigation of a violation of any criminal statute in effect in the District of Columbia, or with a person who is under arrest, detained, in custody, or under the supervision of any such police officer, probation officer, parole officer, corrections officer, or other officer or employee of the District of Columbia acting under color of law; or
- (ii) causes such person to engage in or submit to a sexual act;

shall be imprisoned for not more than 10 years or fined not more than the amount set forth in §22-3571.01, or both.”

Section 8. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).

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

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

**Case No. 20-02: Slowe-Burrill House**  
**1256 Kearny Street NW**  
**Square 3930, Lot 3**  
**Affected Advisory Neighborhood Commission: 5B**

**Case No. 20-06: Washington Yacht Club**  
**1500 M Street SE**  
**Square 1080-S, parts of Lots 801 and 802 and part of Reservation 343-D**  
**Affected Advisory Neighborhood Commission: 5B**

The hearing will take place at **9:00 a.m. on Thursday, March 26, 2020**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4<sup>th</sup> Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

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

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

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

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

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

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

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

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC HEARING NOTICE  
WEDNESDAY, MARCH 4, 2020**

**441 4<sup>TH</sup> STREET, N.W.**

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.**

**WARD TWO**

20211            **Application of Opal, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the use provisions of Subtitle U § 301.1(g), and under Subtitle E § 5201 from the accessory structure rear yard setback requirements of Subtitle E § 5004.3, and pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle E § 304.1, to construct a second floor addition to an existing carriage house in the RF-1 Zone at premises 934 O Street N.W. (Square 367, Lot 843).  
ANC 2F

**WARD FIVE**

20213            **Application of Jake Greenhouse**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 601.1(c), from the alley lot use requirements of Subtitle U § 600.1(e)(3)(b) , to construct a new detached, principal dwelling unit in the RA-2 Zone at premises rear of 3rd Street N.W. between O Street N.W. and P Street N.W. (Square 553, Lot 59).  
ANC 5E

**WARD THREE**

20214            **Application of Jason Harris and Jenna Stark**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to permit a rear deck addition to an existing, attached principal dwelling unit in the R-3 Zone at premises 2211 38th Street, N.W. (Square 1301, Lot 659).  
ANC 3B

BZA REVISED PUBLIC HEARING NOTICE

MARCH 4, 2020

PAGE NO. 2

WARD SIX

20216            **Application of Schimdt Development LLC**, pursuant to 11 DCMR  
 ANC 6B           Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5  
                          and 5201 from the rear addition requirements of Subtitle E § 205.4, to  
                          raze the existing two-story, semi-detached principal dwelling unit, and  
                          to construct a three-story, detached principal dwelling unit in the RF-1  
                          Zone at premises 1624 E Street, S.E. (Square 1090, Lot 800).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. 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. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the 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 Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.\*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

## BZA REVISED PUBLIC HEARING NOTICE

MARCH 4, 2020

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Chinese

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Korean

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

Spanish

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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](mailto: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**  
**LESYLLEE M. WHITE, MEMBER**  
**LORNA L. JOHN, MEMBER**  
**CARLTON HART, VICE-CHAIRPERSON,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, APRIL 8, 2020  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**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**

20232  
ANC 6C           **Appeal of ANC 6C**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on November 13, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Certificate of Occupancy CO2000481, permitting a non-residential FAR exceeding the maximum in the NC-10 Zone at premises 337 H Street N.E.(Square 777, Lot 52).

**WARD FOUR**

20243  
ANC 4C           **Application of 532 Taylor LLC**, pursuant to 11 DCMR Subtitle X, Chapters 9, for a special exception under the RF-use requirements of Subtitle U §§ 320.2, to permit the conversion of a flat into a three-unit apartment house in the RF-1 Zone at premises 532 Taylor Street N.W. (Square 3231, Lot 86).

**WARD SIX**

20245  
ANC 6A           **Application of Christopher Astilla**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1 and from the rear addition requirements of Subtitle E § 205.4, to construct a two story rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 216 14th Place, N.E. (Square 1055, Lot 31).

**WARD FOUR**

20247  
ANC 4C           **Application of Andrew McGuire and Barbara Rutland**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF-use requirements of Subtitle U § 320.2, to permit the conversion of an existing attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 1317 Randolph Street, N.W. (Square 2824, Lot 6).

## BZA PUBLIC HEARING NOTICE

APRIL 8, 2020

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WARD SIX

20248            **Application of Hilary Hansen**, pursuant to 11 DCMR Subtitle X,  
ANC 6A            Chapter 9, for special exceptions under Subtitle E § 5201 from the lot  
occupancy requirements of Subtitle E § 304.1, the rear yard  
requirements of Subtitle E § 306.1, and from the nonconforming  
structure requirements of Subtitle C § 202.2, to construct a two-story  
rear addition to an existing semi-detached principal dwelling unit in the  
RF-1 Zone at premises 1006 10th Street N.E. (Square 931, Lot 25).

WARD SIX

20249            **Application of Vincent Gallagher**, pursuant to 11 DCMR Subtitle X,  
ANC 6C            Chapter 9, for a special exception under the Downtown-use  
requirements of Subtitle I § 303.1(a), to permit an animal care and  
boarding use on the ground floor of an existing mixed-use building in  
the D-5 Zone at premises 22 M Street N.E. (Square 672, Lot 858).

PLEASE NOTE:

**Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board, pursuant to Subtitle Y § 600.4.**

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. 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. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

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BZA PUBLIC HEARING NOTICE

APRIL 8, 2020

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**Do you need assistance to participate?**

Amharic

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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](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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Vietnamese

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

**FREDERICK L. HILL, CHAIRPERSON**

BZA PUBLIC HEARING NOTICE

APRIL 8, 2020

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**LESYLLEE M. WHITE, MEMBER  
LORNA L. JOHN, MEMBER  
CARLTON HART, VICE-CHAIRPERSON,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

**TIME AND PLACE:** **Thursday, April 30, 2020, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, NW, Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 15-27E (350 Morse CPK Owner, LLC – Second-Stage PUD @ Square 3587)**

**THIS CASE IS OF INTEREST TO ANC 5D**

On October 31, 2019, 350 Morse CPK Owner, LLC (“Applicant”) filed an application (“Application”) requesting that the Zoning Commission (“Commission”) approve a second-stage planned unit development (“PUD”) for Lot 835 in Square 3587 (“Property”). The Application proposes to develop the Property with a mixed-use building of approximately 149,629 square feet of gross floor area with a floor area ratio of 12.72 and a maximum building height of 130 feet (“Building D”). Building D will contain approximately 6,044 square feet of ground floor retail, of which 1,125 square feet will be devoted to “Maker Space,” as well as approximately 159 residential units, including affordable housing consistent with the requirements set forth in the first-stage PUD approved for the Property in Z.C. Order No. 15-27 (“First-Stage PUD Approval”).

The Application request flexibility from the parking and habitable penthouse requirements of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 (“Zoning Regulations”) to which all references are made unless otherwise specified) in addition to the flexibility approved by the First Stage PUD Approval from the rear yard, loading, and building lot control requirements. The Application also requests design flexibility in certain areas from the requirement to comply with the plans approved by the Commission.

On January 17, 2020, the Office of Planning (“OP”) filed a report (“OP Setdown Report”) that recommended the Commission setdown the Application for a public hearing. The OP Setdown Report concluded the Application was generally consistent with the First Stage PUD Approval.

At its public meeting of January 27, 2020, the Zoning Commission voted to schedule the case for a public hearing.

The Applicant filed its Prehearing Submission with the Commission on February 3, 2020.

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

This public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations).

### **How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning (“OZ”) of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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 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. 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 mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zsubmissions@dc.gov](mailto:zsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

### **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](mailto: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>. This form may also be obtained from OZ at the address stated below.

**“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 A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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 ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እንኳን አገልግሎቶች የሚሰጡት በነጻ ነው።

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

**TIME AND PLACE:**                      **Thursday, April 2, 2020, @ 6:30 p.m.  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 19-24 (Children’s National at Walter Reed, LLC - Text Amendment to Subtitle K, Chapter 9 to Create New WR-9 and WR-10 Zones)**

**THIS CASE IS OF INTEREST TO ANC 4A**

On October 28, 2019, Children’s National at Walter Reed, LLC filed a report that served as a petition (Petition) requesting the Zoning Commission (Commission) approve a proposed text amendment (Text Amendment) to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, (Zoning Regulations) to which all references are made unless otherwise specified) to create new Walter Reed (WR) zones WR-9 and WR-10. The Petition initially included a request that the Commission approve a proposed amendment of the Zoning Map for Lots 820-828 in Square 2950, approximately 11.86 acres of the former Walter Reed Army Medical Center Campus (Property), from the current R-1-B zone to the WR-9 and WR-10 zones proposed in the Text Amendment.

The proposed WR-9 zone is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods. The proposed WR-9 zone would permit a maximum building height of 45 feet and four stories and a maximum lot occupancy of 70%.

The proposed WR-10 zone is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods; and to encourage adaptive reuse of existing buildings to support medical research uses. The proposed WR-10 zone would permit, as specified for individual “Land Bays” within the zone, a maximum building height of between 60 feet and 110 feet, a maximum lot occupancy of between 60% and 100%, and a maximum floor area ratio (FAR) of between 2.0 and 6.0.

The proposed WR-9 and WR-10 zones would both limit the matter-of-right uses to daytime care, office, medical care, general institutional, as well as lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children’s National at Walter Reed.

The Text Amendment specifically proposes to make the following revisions to Chapter 9, Walter Reed Zones – WR-1 through WR-8, of Subtitle K, Special Purpose Zones:

Revise current

Title of Chapter 9 and § 900 – change to include the proposed WR-9 and WR-10 zones

§§ 909 through 921 – renumber as new §§ 911 through 923 and correct references and text

Add new

§ 909 - development standards for the proposed WR-9 zone

§ 910 - development standards for the proposed WR-10 zone

§ 913.6 – uses permitted in the proposed WR-9 and WR-10 zones

§§ 917.4 and 917.5 – parking limits in the proposed WR-9 and WR-10 zones

On November 8, 2019, the Office of Planning submitted a report (OP Setdown Report) in support of setting down the text amendment for a public hearing. The OP Setdown Report concluded that the proposed text amendment would not be inconsistent with the Comprehensive Plan, which designates the Property as Federal on the Future Land Use Map and as a Land Use Change Area (Federal) on the General Policy Map.

At its November 18, 2019, public meeting, the Commission separated the Petition's Text Amendment and Map Amendment into two cases and voted to setdown:

- 1) The Text Amendment to create the WR-9 and WR-10 zones for a public hearing as a rulemaking case (Z.C. Case No. 19-24); and
- 2) The Map Amendment for a public hearing as a separate contested case (Z.C. Case No. 19-24A).

The public hearing for the Text Amendment will take place on the same date as, and immediately before, the public hearing for the Map Amendment.

The Zoning Commission will conduct the public hearing for the Text Amendment in accordance with the rulemaking case provisions of the Zoning Commission's Rules of Practice and Procedure - Subtitle Z, Chapter 5.

The complete record in the case, including the OP Setdown Report and transcript of the November 18, 2019, public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

**PROPOSED TEXT AMENDMENT**

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

**I. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**The title of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended as follows:**

**CHAPTER 9 WALTER REED ZONES – WR-1 THROUGH ~~WR-8~~ WR-10**

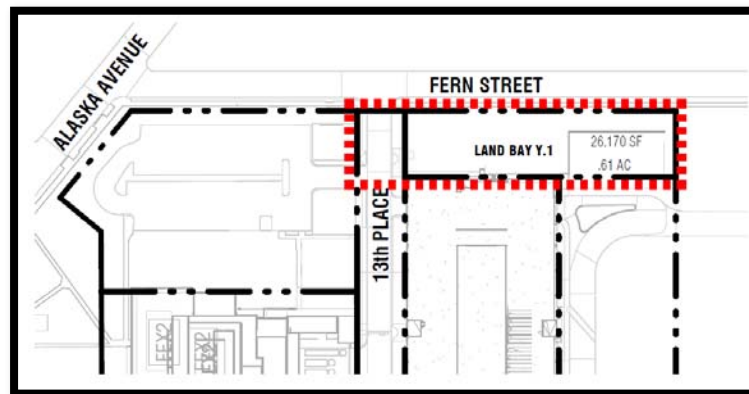
**Section 900, GENERAL PROVISIONS AND PURPOSE AND INTENT (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended as follows:**

- 900.1 The purposes of the Walter Reed (WR) zones (WR-1 through ~~WR-8~~ WR-10) are ...<sup>1</sup>
- 900.2 ~~This chapter shall constitute the Zoning Regulations for the geographic area described by the plat attached to Z.C. Order No. 14-22.~~ Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.
- 900.3 The WR ~~zone is divided into~~ zones include the WR-1 through the ~~WR-8~~ WR-10 zones. Each zone may have one (1) or more sub-areas, as identified in the Development Standards table for each zone. Each sub-area may be comprised of one (1) or more Land Bays.
- 900.4 Land Bays are ~~defined on the plats attached to Z.C. Orders No. 14-22 and also~~ shown, for reference only, in the boundary maps of this chapter for each zone.
- 900.5 Any reference to a street refers to either existing or proposed streets as depicted ~~on the plats attached to Z.C. Order No. 14-22~~ in the boundary maps of this chapter for each zone.

A new § 909 is proposed to be added to Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, with the current § 909 renumbered as § 911 (as detailed below), to read as follows:

**909            WR-9 ZONE**

**FIGURE K § 909: ILLUSTRATION OF BOUNDARIES OF THE WR-9 ZONE**



<sup>1</sup> 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.



**909.1** The WR-9 zone is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods.

**909.2** The development standards for the WR-9 zone are set forth in the following table:

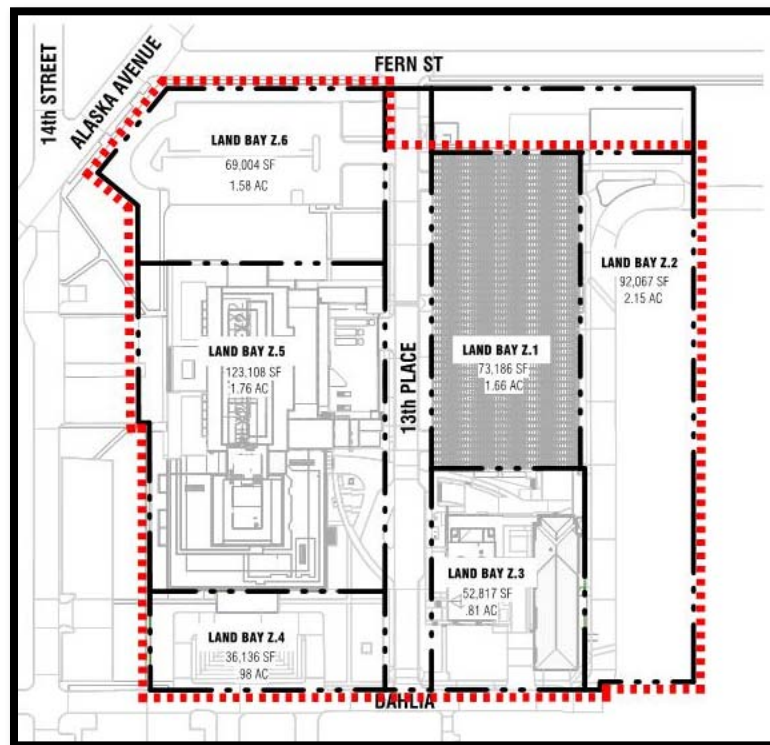
**TABLE K § 909.2: WR-9 DEVELOPMENT STANDARDS**

<u>Sub-Area</u>	<u>Building Height (maximum)</u>	<u>Stories (maximum)</u>	<u>Lot Occupancy (maximum)</u>	<u>Pervious Surface (minimum)</u>	<u>Side Yard (minimum)</u>	<u>Rear Yard (minimum)</u>
<u>Land Bay Y.1</u>	<u>45 ft.</u>	<u>4</u>	<u>70%</u>	<u>10%</u>	<u>None required; 4 ft. if provided</u>	<u>None required</u>

A new § 910 is proposed to be added to Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, with the current § 910 renumbered as § 912 (as detailed below), as follows:

**910** **WR-10 ZONE**

**FIGURE K § 910: ILLUSTRATION OF BOUNDARIES OF THE WR-10 ZONE**



**910.1 The WR-10 zone is intended to:**

- (a) **Support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods; and**
- (b) **Encourage adaptive reuse of existing buildings to support medical research uses.**

**910.2 The development standards for the WR-10 zone are set forth in the following table:**

**TABLE K § 910.2: WR-10 DEVELOPMENT STANDARDS**

<u>Sub-Area</u>	<u>FAR</u>	<u>Building Height (maximum)</u>	<u>Lot Occupancy (maximum)</u>	<u>Side Yard (minimum)</u>	<u>Rear Yard (minimum)</u>
<u>Land Bay Z.1</u>	<u>4.5</u>	<u>60 ft.</u>	<u>100%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.2</u>	<u>4.5</u>	<u>90 ft.</u>	<u>75%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.3</u>	<u>2.0</u>	<u>65 ft.</u>	<u>75%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.4</u>	<u>6.0</u>	<u>110 ft.</u>	<u>100%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.5</u>	<u>4.5</u>	<u>110 ft.</u>	<u>75%</u>	<u>None required</u>	<u>None required</u>
<u>Land Bay Z.6</u>	<u>2.5</u>	<u>85 ft</u>	<u>60%</u>	<u>None required</u>	<u>None required</u>

**910.3 In Land Bay Z.2, no building or portion of a building shall be constructed above grade within one hundred fifty feet (150 ft.) of the street lot lines abutting Dahlia Street.**

**910.4 In Land Bay Z.6, no building or portion of a building shall be constructed above grade within eighty feet (80 ft.) of the street lot lines abutting Fern Street.**

**Current § 909, HEIGHT, of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 911 and amended to correct references, to read as follows:**

**909 911 HEIGHT AND PENTHOUSE (WR)**

**909.1 911.1** In the WR zone, the point chosen for measurement of height shall conform to the other provisions of this title, except that the point may be on either a public or private street.

**909.2 911.2** For the purposes of applying general zoning requirements of this title:

- (a) The WR-1, WR-7, and WR-8 zones shall be considered Residence zones; and
- (b) The WR-2, WR-3, WR-4, WR-5, ~~and~~ WR-6, **WR-9, and WR-10** zones shall be considered Mixed Use or Commercial Zones.

**909.3 911.3** Penthouses shall be subject to the regulations of Subtitle C, Chapter 15, and the height and story limitations specified in Subtitle C § **909.4 911.4**.

**909.4 911.4** A penthouse constructed in accordance with the provisions of Subtitle C, Chapter 15, may be erected to a height in excess of that permitted, but shall not exceed the height, as measured from the surface of the roof upon which the penthouse sits, in the following table:

**TABLE K § 909.4 911.4: TABLE OF PENTHOUSE STANDARDS**

<b>ZONE DISTRICT</b>	<b>Maximum Penthouse Height</b>	<b>Maximum Penthouse Stories</b>
WR-1, WR-6	Pursuant to Subtitle C § 1500.4	Pursuant to Subtitle C § 1500.4
WR-4, WR-5, WR-7, <b><u>WR-9</u></b>	12 feet; except 15 feet for penthouse mechanical space	1 story; second story permitted for penthouse mechanical space
WR-8	12 feet; except 18 feet, 6 inches for penthouse mechanical space	1 story; second story permitted for penthouse mechanical space
WR-3	20 feet	1 story; second story permitted for penthouse mechanical space
WR-2, <b><u>WR-10</u></b>	20 feet	1 story plus mezzanine; second story permitted for penthouse mechanical space

**Current § 910, STREETScape STANDARDS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 912, to read as follows:**

**910 912 STREETScape STANDARDS (WR)**

**910 912.1** In all WR zones, all buildings are subject to the following design requirements ...

Current § 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 913 and amended by adding a new § 913.6 and correcting references, to read as follows:

**911 913 USE PERMISSIONS (WR)**

**911.1 913.1** The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

- (a) Agriculture ...
- (b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;
- (c) Arts, design, and creation subject to the conditions of Subtitle K § ~~912.3~~ 914.3;
- ...
- (f) Daytime care subject to the conditions of Subtitle K § ~~912.5~~ 914.5;
- (g) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;
- ...
- (h) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;
- ...
- (l) Retail subject to the conditions of Subtitle K § ~~912.10~~ 914.9;
- ...

**911.2 913.2** The uses in this section shall be permitted as a matter-of-right in the WR-2, WR-3, WR-4 and WR-5 zones, subject to any applicable conditions:

- (a) Agriculture ...
- (b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;
- ...
- (g) Eating and drinking establishments subject to the conditions of Subtitle K § ~~912.7~~ 914.6;
- ...
- (k) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;
- ...
- (s) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;

...

(x) Service, general subject to the conditions of Subtitle K § ~~912.11~~ 914.10; and

...

**911.3** **913.3** The uses in this section shall be permitted as a matter-of-right in the WR-6 zone, subject to ...

**911.4** **913.4** The uses in this section shall be permitted as a matter of right in the WR-7 zone, subject to any applicable conditions:

(a) Agriculture ...

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;

...

(g) Education, college/university subject to the conditions of Subtitle K § ~~912.8~~ 914.7;

(h) Education, private, subject to the conditions of Subtitle K § ~~912.8~~ 914.7;

(i) Education, public, subject to the conditions of Subtitle K § ~~912.8~~ 914.7;

(j) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;

...

(o) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;

...

(r) Retail subject to the conditions of Subtitle K § ~~912.10~~ 914.9; and

...

**911.5** **913.5** The uses in this section shall be permitted as a matter of right in the WR-8 zone, subject to any applicable conditions:

(a) Agriculture ...

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ 914.2;

(c) Arts, design, and creation subject to the conditions of Subtitle K § ~~912.3~~ 914.3;

...

(g) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ 914.4;

...

(k) Parking subject to the conditions of Subtitle K § ~~912.9~~ 914.8;  
...

(n) Retail subject to the conditions of Subtitle K § ~~912.10~~ 914.9; and  
...

**913.6** **The uses in this section shall be permitted as a matter of right in the WR-9 and WR-10 zones, subject to any applicable conditions:**

**(a) Daytime Care;**

**(b) Office;**

**(c) Medical Care;**

**(d) Institutional, General; and**

**(d) Lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children’s National at Walter Reed including, but not limited to, patient families, visiting researchers, and medical professionals.**

~~911.6~~ 913.7 For the purposes of the WR zone ...

~~911.7~~ 913.8 A home occupation use, including a business, profession ...

Current § 912, **CONDITIONAL USES (WR)**, of Chapter 9, **WALTER REED ZONES – WR-1 THROUGH WR-10**, of Subtitle K, **SPECIAL PURPOSE ZONES**, is proposed to be renumbered as new § 914 and amended by deleting § 912.6 and renumbering the following subsections, and by correcting references, to read as follows:

~~912~~ 914 **CONDITIONAL USES (WR)**

~~912.1~~ 914.1 The following conditions shall apply as required in Subtitle K § ~~911~~ 913.

~~912.2~~ 914.2 Antennas shall be permitted ...

~~912.3~~ 914.3 An arts, design, and creation use shall be permitted ...

~~912.4~~ 914.4 An emergency shelter for one (1) to four (4) persons, **not including resident supervisors or staff and their families**, shall be a matter-of-right use. ~~An emergency shelter for more than four (4) persons may be permitted as a special exception pursuant to Subtitle K § 913.6.~~

~~912.5~~ 914.5 In the WR-1 zone, daytime care uses shall be permitted ...

**912.6**            ~~[DELETED]~~

**912.7 914.6** All eating and drinking establishment uses shall be permitted as a matter of right except that:

- (a) A drive-through shall not be permitted; and
- (b) Fast food establishments and a fast food establishment that meets the definition of a food delivery services may be permitted by special exception pursuant to Subtitle K § ~~913.2(e)~~ 915.2(d) and if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.

**912.8 914.7** Education (public, private, college/university) uses shall ...

**912.9 914.8** Parking shall be permitted as a matter of right provided that all off-street parking is provided in compliance with the provisions of Subtitle K § ~~915~~ 917;

**912.10 914.9** A sale in the nature of a yard ...

**912.11 914.10** Service, general uses shall be ...

**Current § 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 915 and amended to correct references, to read as follows:**

**913 915            SPECIAL EXCEPTION USES (WR)**

**913.1 915.1** The following uses ~~in this section~~ shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Community-based institutional facilities (CBIF) ...
- (b) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ 913.1(e), subject to the following ...
- ...

**913.2 915.2** The following uses shall be permitted in the WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Animal sales, care, and boarding shall be ...
- (b) Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families,

subject to the conditions of Subtitle K § ~~913.1(a)~~ 915.1(a);

- (c) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ 913.1(e), subject to ...

...

- (e) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(b)~~ 915.1(c); and

...

~~913.3~~ 915.3 The following uses shall be permitted in the WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

- (a) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ 913.1(e), subject to the following:

- (1) Provision of a landscaped area ...

- (2) The Office of Zoning shall refer the Application, including the landscape plan, ~~shall be referred~~ to the District Department of Energy and Environment for review and ~~report~~; recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211; and

- ~~(b) Daytime care uses not meeting the conditions of Subtitle K § 912.6 shall be permitted by special exception, subject to the following conditions:~~

- ~~(1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and~~

- ~~(2) Any off-site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility; and~~

- ~~(e)~~ (b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(e)~~ 915.1(c).

Section 914, PROHIBITED USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended by renumbering it as new § 916 and by correcting references, to read as follows:

~~914~~ 916 PROHIBITED USES (WR)



~~914.1~~ 916.1 The following uses are prohibited in the WR zone as either a principal or accessory ~~uses~~ use:

- (a) Drive-through or drive-in ...
- (b) Any establishment that has as its principal use ...
- (c) Self-service storage establishment that provides ...

~~914.2~~ 916.2 Any use not otherwise permitted by Subtitle K §§ ~~911, 912, or~~ 913, 914, or 915, or permitted as an accessory or home occupation in this chapter shall not be permitted.

**Current § 915, VEHICLE PARKING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 917 and amended by adding new §§ 917.4 and 917.5 and renumbering the existing subsections and by correcting references, to read as follows:**

~~915~~ 917      **VEHICLE PARKING (WR)**

~~915.1~~ 917.1 Except as noted in this section, the provisions and requirements of Subtitle C, Chapter 7, Vehicle Parking, shall not apply, and the following provisions of this section shall apply.

~~915.2~~ 917.2 **The In the WR-1 through WR-8 zones, the** cumulative total of all automobile parking spaces, including below-grade surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

~~915.3~~ 917.3 Each application to the Department of Consumer and Regulatory Affairs for a development **within the WR-1 through WR-8 zones** that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § ~~915.2~~ 917.2.

917.4      **In the WR-9 and WR-10 zones, the cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of one thousand six hundred (1,600) parking spaces.**

917.5      **Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-9 or WR-10 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.4.**

**915.4 917.6** Parallel parking spaces on a private street shall not count toward the limits of Subtitle K §§ ~~915.2~~ **917.2 and 917.4**, provided they are open to use by the public and not reserved for a particular or private use.

**915.5 917.7** Parking spaces dedicated for use by a car-sharing service or dedicated for the charging of electric vehicles shall not count toward the limits of Subtitle K §§ ~~915.2~~ **917.2 and 917.4**.

**915.6 917.8** Additional parking spaces beyond the limits of Subtitle K §§ ~~915.2~~ **917.2 or 917.4, as applicable**, shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and provided that the applicant addresses compliance with the following standards:

- (a) The application shall include:
  - (1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K §§ ~~915.2~~ **917.2 and 917.4, as applicable**;
  - (2) A traffic study assessing ...
  - ...
- (b) Vehicular access and egress ...

**915.7 917.9** For any application pursuant to Subtitle K § ~~915.5~~ **917.8**:

- (a) The Board of Zoning Adjustment shall ...
- (b) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the **individual** WR zones.

**915.8 917.10** Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR zones.

**915.9 917.11** Parking spaces may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one (1) use shall be subject to the following conditions:

- (a) The parking space and the uses shall all be within the WR zones;
- ...
- (c) A written agreement assigning the parking space to each use, stating compliance with Subtitle K § ~~915.9(b)~~ **917.11(b)**, shall be signed by the owner of the parking space and the owner of each use requiring the parking

space;

...

~~915.10~~ 917.12 Parking spaces shall not be located ...

~~915.11~~ 917.13 ~~Parking spaces within~~ An above-grade structure **constructed or renovated to provide parking after September 4, 2015, when this chapter was adopted,** shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle, or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the arts design and creation; eating and drinking establishments; office; residential; retail; service, general; and service, financial use groups.

~~915.12~~ 917.14 All parking spaces, other than mechanical parking spaces, shall be ...

~~915.13~~ 917.15 New parking spaces and drive aisles shall be ...

~~915.14~~ 917.16 Approval of a driveway under this chapter shall not be ...

~~915.15~~ 917.17 All access to parking facilities, whether from a ...

**Current § 916, VEHICLE PARKING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 918 and amended to a reference, to read as follows:**

~~916~~ 918      **BICYCLE PARKING (WR)**

~~916.1~~ 918.1      Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8, and in accordance with Subtitle K § ~~916.2~~ 918.2.

~~916.2~~ 918.2      Long-term bicycle parking spaces shall ...

**Current § 917, LOADING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 919, to read as follows:**

~~917~~ 919      **LOADING (WR)**

~~917.1~~ 919.1      Loading shall be provided ...

~~917.2~~ 919.2      Access to loading and service/delivery space shall ...

~~917.3~~ 919.3      All access to loading facilities ...

~~917.4~~ 919.4      In addition to the loading screening ...

Current § 920, AFFORDABLE HOUSING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 920 and amended by correcting references, to read as follows:

**918.920 AFFORDABLE HOUSING (WR)**

**918.1 920.1** Affordable housing shall be provided as described in this section. The provisions of Subtitle C, Chapter 10 shall not apply, with the exception of the relevant penthouse habitable space affordable housing provisions pursuant to Subtitle C § 1500.11.

**918.2 920.2** The purposes of this section are ...

**918.3 920.3** The FAR, lot occupancy, and height ...

**918.4 920.4** For the ~~entire WR zone~~ **WR-1 through WR-8 zones**, no less than four hundred and thirty-two (432) units of affordable housing shall be subject to affordable housing covenants that collectively result in compliance with Subtitle K §§ ~~918.5 and 918.6~~ **920.5 and 920.6**.

**918.5 920.5** Of the four hundred and thirty-two (432) units ...

**918.6 920.6** A minimum amount of affordable units shall be provided in each **zone of the WR-1 through WR-8 zones**, and in each multifamily building, according to the following table. The remaining affordable units may be located anywhere in the **WR zone WR-1 through WR-8 zones**.

**TABLE K § 918.6 920.6: AFFORDABLE UNIT REQUIREMENTS**

	<b>Column A</b>	<b>Column B</b>
<b>Zone</b>	<b>Minimum Percentage of Residential Units to be Provided as Affordable Units in the Zone</b>	<b>Of the Units Prescribed in Column A, the Minimum Percentage to be Provided in Each Multifamily Building in the Zone</b>
WR-1	8%	n/a
WR-2	8%	20%
WR-3	8%	12.5%
WR-4	8%	20%
WR-5	8%	25%
WR-7	8%	25%
WR-8	8%	25%

**918.7 920.7** At the expiration of the affordability control period established by its affordable housing covenant, each multifamily building within the WR-2 through WR-8 zones

shall devote no less than eight percent (8%) of its units to affordable units, which shall remain affordable in accordance with Subtitle K § ~~918.8~~ 920.8 for so long as the multifamily building exists.

~~918.8~~ 920.8 At the expiration of the affordability control period ....

~~918.9~~ 920.9 At the expiration of all affordability control periods established by affordable housing covenants recorded against properties in the WR-1 zone, no less than eight percent (8%) of all units within the WR-1 zone shall be devoted to affordable units, which shall remain affordable in accordance with Subtitle K § ~~918.10~~ 920.10 for so long as the units exists.

~~918.10~~ 920.10 At the expiration of all affordability control periods ...

~~918.11~~ 920.11 In the ~~WR-zone~~ WR-1 through WR-8 zones, each application for a building permit for a residential use shall include in tabular and map format a description of which affordable units have been provided to date and where, which affordable units have yet to be provided and where they are anticipated to be provided, and how the provisions of this section are being met.

~~918.12~~ 920.12 Pursuant to Subtitle X, Chapter 9, the Board of Zoning Adjustment may hear and decide any requests for relief from Subtitle K §§ ~~918.5 and 918.6~~ 920.5 and 920.6, subject to the application demonstrating that the purposes of Subtitle K § ~~918.2~~ 920.2 would still be met.

~~918.13~~ 920.13 Affordable units, in addition to the other requirements of this section, arising from penthouse habitable space pursuant to Subtitle C §§ ~~411.16 and 411.17~~ 1500.11 and 1500.12 shall be provided in accordance with the relevant provisions of Subtitle C, Chapter 10, for residential penthouse habitable space or Subtitle C § ~~414~~ 1505 for non-residential penthouse space, ~~except~~ except that such units may be located anywhere within the ~~are~~ area covered by any WR zone.

**Current § 919, GREEN AREA RATIO (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 921 and amended by correcting references, to read as follows:**

~~919~~ 921 GREEN AREA RATIO (WR)

~~919.1~~ 921.1 In the WR-2, WR-3, WR-4, WR-5, WR-7, ~~and~~ WR-8, ~~and~~ WR-10 zones, the GAR requirement is four-tenths (0.4), pursuant to Subtitle C, Chapter 6.

**Current § 920, PLANNED UNIT DEVELOPMENTS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 922, to read as follows:**

~~920~~ 922 PLANNED UNIT DEVELOPMENTS (WR)

~~920.1~~ 922.1 A planned unit development (PUD) in the WR zone shall ...

**Current § 921, PLANNED UNIT DEVELOPMENTS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-10, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 923, to read as follows:**

~~921~~ 923 SPECIAL EXCEPTION RELIEF (WR)

~~921.1~~ 923.1 Except for Subtitle K §§ 903.10 through 903.14 and 903.18 ...

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

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

**How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform OZ of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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 following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

**How to participate as a witness – written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

**“Great weight” to written report of ANC**

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file

a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

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

**TIME AND PLACE:** **Thursday, April 2, 2020, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 19-24A (Children’s National at Walter Reed, LLC – Zoning Map Amendment @ Square 2950)**

**THIS CASE IS OF INTEREST TO ANC 4A**

On December 6, 2019, Children’s National at Walter Reed LLC filed an application (the “Application”) requesting the Zoning Commission (“Commission”) approve a proposed amendment of the Zoning Map (“Map Amendment”) for Lots 820 - 828 in Square 2950 (“Property”), from the current R-1-B zone to the proposed new WR-9 and WR-10 zones under consideration by the Commission in Z.C. Case No. 19-24 (“Text Amendment”). The Application initially was included in the petition for the Text Amendment.

The Property consists of approximately 11.86 acres on a portion of the former Walter Reed Army Medical Center Campus. The Property is bordered by Fern Street, N.W. and Alaska Avenue, N.W. on the north, by the Parks at Walter Reed development to the east, by Dahlia Street, N.W. on the south, and by the U.S. State Department’s portion of the former Walter Reed Army Medical Campus. The Property is currently improved with several buildings including a medical laboratory building and a parking garage.

The existing R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots. The R-1-B zone permits a maximum building height of 40 feet and three stories and a maximum lot occupancy of 40%. The R-1-B zone has limited permitted matter-of-right uses for a principal dwelling unit and other limited government, health care, institutional, and public education uses.

The proposed WR-9 zone, which would be created if the Commission adopts the Text Amendment in Z.C. Case 19-24, is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods. The proposed WR-9 zone would permit a maximum building height of 45 feet and four stories and a maximum lot occupancy of 70%.

The proposed WR-10 zone, which would also be created if the Commission adopts the Text Amendments in Z.C. Case 19-24, is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods; and to encourage adaptive reuse of existing buildings to support medical research uses. The proposed WR-10 zone would permit, as specified for individual “Land



Bays” within the zone, a maximum building height of between 60 feet and 110 feet, a maximum lot occupancy of between 60% and 100%, and a maximum floor area ratio (“FAR”) of between 2.0 and 6.0.

The proposed WR-9 and WR-10 zones would both limit the matter-of-right uses to daytime care, office, medical care, general institutional, as well as lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children’s National at Walter Reed.

On November 8, 2019, the Office of Planning submitted a report (“OP Setdown Report”) in support of setting down the Map Amendment for a public hearing. The OP Setdown Report concluded that the Map Amendment would not be inconsistent with the Comprehensive Plan, which designates the Property as Federal on the Future Land Use Map and as a Land Use Change Area (Federal) on the General Policy Map.

At its November 18, 2019, public meeting, the Commission separated the Map and Text Amendments into two cases and voted to setdown:

- 1) The Text Amendment to create the WR-9 and WR-10 zones for a public hearing as a rulemaking case (Z.C. Case No. 19-24); and
- 2) The Map Amendment for a public hearing as a separate contested case (Z.C. Case No. 19-24A).

The public hearing for the Map Amendment will take place on the same date as, and immediately after, the public hearing for the Text Amendment.

The Commission will conduct the public hearing for the proposed Zoning Map amendment in accordance with the contested case provisions of the Commission’s Rules of Practice and Procedure - Subtitle Z, Chapter 4.

The complete record in the case, including the OP Setdown Report and transcript of the November 18, 2019, public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

#### **How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning (“OZ”) of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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 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. 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 mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zsubmissions@dc.gov](mailto:zsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

#### **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](mailto: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>.** This form may also be obtained from OZ at the address stated below.

#### **“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.

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**¿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](mailto: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](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

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

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Residential Permit Parking final rulemaking issued by the District Department of Transportation and published in the *D.C. Register* on August 16, 2019 at 66 DCR 10565.

The rulemaking amended Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations), Chapter 26 (Civil Fines For Moving And Non-Moving Infractions), and Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

This Errata Notice eliminates a provision setting the fine amount for “stopping, standing, or parking a vehicle in a bicycle lane or shared use path [§ 2405.1].” that should not have been included in the final rulemaking. The Vision Zero rulemaking published in the *D.C. Register* on January 4, 2019 at 66 DCR 62 set the proper and intended fine amount of \$150.00.

The corrections to the final rulemaking, as found on page 17 of the document, are made below (deletions are shown in ~~bold and strikethrough~~ text):

**Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, Section 2600, CIVIL FINES FOR MOTOR VEHICLE MOVING INFRACTIONS, is amended as follows:**

~~The chart set forth in Subsection 2600.1 is amended as follows:~~

~~The row labeled “Stopping, standing, or parking a vehicle in a bicycle lane [§ 2405.1]” in the section labeled “Right-of-way” is amended to read as follows:~~

<del>Stopping, standing, or parking a vehicle in a bicycle lane or shared use path [§ 2405.1]</del>	<del>\$65.00</del>
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This Errata Notice’s correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of August 16, 2019.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001, email at [victor.reid@dc.gov](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.

## DISTRICT DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 107 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.07 (2014 Repl.)) hereby gives notice of the adoption of the following amendment to Chapter 30 (Adjudication and Enforcement) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The rulemaking establishes certain standards for the issuance of notices of infractions resulting from an automated parking enforcement device and notices of infractions issued after a motor vehicle operator leaves the site of a violation before a notice of infraction can be affixed to the car or personally served to the driver.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 18, 2019 at 66 DCR 013740. No comments were received. No changes were made to the text of the proposed rules. The final rules were adopted on November 19, 2019 and will become effective on the date of publication of this notice in the *D.C. Register*.

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

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

**Subsection 3002.9 and 3002.10 are amended to read as follows:**

- 3002.9 Except for tickets issued through the use of a hand-held electronic device and tickets issued in situations described in §§ 3002.11 and 3002.12, the original ticket shall be submitted to the Department of Motor Vehicles within fifteen (15) calendar days of issuance.
- 3002.10 Except for tickets issued by certified mail pursuant to § 3004.9(b) and tickets issued in situations described in §§ 3002.11 and 3002.12, the ticket information for tickets issued through the use of a hand-held electronic device shall be submitted within one (1) business day.

**New Subsections 3002.11 and 3002.12 are added to read as follows:**

- 3002.11 When the operator of a motor vehicle leaves the site of a violation before personal service or service by affixing a notice to the vehicle can be effectuated, the original ticket or the ticket information for a ticket issued through the use of a hand-held electronic device shall be submitted to the Department of Motor Vehicles within twenty-five (25) days after the date of the violation.

3002.12 When a violation is detected by an automated parking enforcement device, the relevant ticket information shall be transmitted to the Department of Motor Vehicles within twenty-five (25) days after the date the violation is detected.

**Section 3003, ISSUANCE OF MOVING AND NON-MOVING VIOLATIONS, is amended as follows:**

**Subsections 3003.3 and 3003.4 are amended to read as follows**

3003.3 When information is entered on the ticket manually, the provisions of § 3002.3 through 3002.5, 3002.9, and 3002.10 shall apply.

3003.4 When a hand-held electronic device is used, the provisions of §§ 3002.6 through 3002.7, 3002.10, and 3002.11 shall apply.

**A new Subsection 3003.8 is added to read as follows:**

3003.8 When a violation is detected by an automated parking enforcement device, the provisions of § 3002.12 shall apply.

**Section 3004, SERVICE OF THE NOTICE OF INFRACTION, is amended as follows:**

**Subsection 3004.3 is amended as follows:**

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

- (b) Where the notice of infraction is issued by an automated parking enforcement system, the appropriate copy of the notice shall be mailed to the registered owner of the vehicle within twenty-five (25) days after the date of violation.

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

- (c) When the operator of a motor vehicle leaves the site of a violation before personal service or service by affixing a notice to the vehicle can be effectuated, the notice shall be mailed to the registered owner of the vehicle within twenty-five (25) days after the date of violation.

**Subsection 3004.4 is amended to read as follows:**

3004.4

- (a) Service of notice by affixation to the vehicle, or by mail for notices issued by an automated parking enforcement system, shall have the same force and effect as personal service.

- (b) Service of notice by affixation to the vehicle, or by mail for notices issued by an automated parking enforcement system or when the operator of a motor vehicle leaves the site of a violation before personal service or service by affixing a notice to the vehicle can be effectuated, shall have the same force and effect as personal service.

## DISTRICT DEPARTMENT OF TRANSPORTATION

**NOTICE OF FINAL RULEMAKING**

The District Department of Transportation, pursuant to the authority set forth in Sections 4(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(a)(4)(A) (assigning duty to review and approve public space permit requests to the Department Director), 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works (DPW) under Section III (F) of Reorganization Plan No. 4 of 1983 to the Department), and 9j (rulemaking authority) of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(1)(E), 50-921.02(f)(1)(C), 50-921.05(b), and 50-921.18 (2014 Repl. & 2019 Supp.)), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04 (2013 Repl. & 2019 Supp.)) (authorizing rules concerning rental of public space), and Mayor’s Order 2016-5, dated January 12, 2016, hereby gives notice of this action to adopt the following amendments to Chapter 1 (Occupation and Use of Public Space) and Chapter 34 (Public Space Management of Excavation Work) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

These amendments will clarify the locations within public space that require a permit in order to perform excavation work.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 16, 2019 at 66 DCR 10591.

DDOT received one public comment, which expressed concern over the impact that the regulatory changes would have on homeowners’ responsibility to care for trees in the public parking. The changes to the definition of “Public Parking” do not impact any responsibility a homeowner may have to care for foliage in public space, and any requests to reconsider maintenance policies for public space adjacent to a homeowner’s property is outside the scope of this rulemaking. We are therefore publishing this rulemaking as final with no changes.

**Title 24, PUBLIC SPACE AND SAFETY, is amended as follows:**

**Chapter 1, OCCUPATION AND USE OF PUBLIC SPACE, is amended as follows:**

**Section 101, STREETS AND ROADS, is amended as follows:**

**Subsection 101.1 is amended to read as follows:**

101.1 Without a permit from the District, no person shall make an excavation within or under any Public Space or Public Right-of-Way; and no person shall remove from or deposit on any Public Space or Public Right-of-Way any earth or other material.



**Section 102, PUBLIC PARKING: UPKEEP AND PLANTINGS, is amended as follows:**

**Subsection 102.8 is repealed.**

**Section 199, DEFINITIONS, Subsection 199.1, is amended as follows:**

**The following definitions are added after the definition of “Downtown Streetscape Area”:**

**Excavation** – any work in the surface or subsurface of any Public Space or Public Right-of-Way, including opening the Public Right-of-Way; installing, servicing, repairing, or modifying any Public Space or Public Right-of-Way Facility or Facilities in or under the surface or subsurface of any Public Space or Public Right-of-Way; and restoring the surface and subsurface of any Public Space or Public Right-of-Way.

**Public Space or Public Right-of-Way Facility or Facilities** - any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, and other appurtenances or tangible things owned, leased, operated, or licensed by an Owner or Person, that are located or are proposed to be located in the Public Right-of-Way. (For the purposes of this definition, the terms “Owner” and “Person” shall have the meanings ascribed in Subsection 3499.1.)

**The following definitions are added after the definition of “Personalized Marker”:**

**Public Parking** – the area of public space between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.

**Public Right-of-Way** - the surface, the air space above the surface (including air space immediately adjacent to a private structure located on Public Space or in a Public Right-of-Way), and the area below the surface of any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or boulevard

**Public Space** - all the publicly-owned property between the property lines on a street, park, or other public property as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or public parking between such property lines.

**Chapter 34, PUBLIC SPACE MANAGEMENT OF EXCAVATION WORK, is amended as follows:**

**Section 3401, SCHEDULING AND COORDINATION OF EXCAVATION, is amended as follows:**

**Subsection 3401.2 is amended by deleting the word “Facilities” replacing it with the phrase “Public Space or Public Right-of-Way Facilities”.**

**Subsection 3401.3 is amended by deleting the phrase “Facilities in the Public Right-of-Way” and replacing it with the phrase “Public Space or Public Right-of-Way Facilities”.**

**Section 3403, PERMITS TO EXCAVATE, is amended as follows:**

**Subsection 3403.8 is amended by deleting the word “facilities” and replacing it with the phrase “Public Space or Public Right-of-Way Facilities”.**

**Section 3404, RESTORATION OF THE PUBLIC SPACE AND PUBLIC RIGHTS-OF-WAY, is amended by deleting the word “Facilities” where it appears and replacing it with the phrase “Public Space or Public Right-of-Way Facilities”.**

**Section 3405, MISCELLANEOUS PROVISIONS, is amended as follows:**

**Subsection 3405.6 is amended to read as follows:**

3405.6 Abandonment of Underground Public Space or Public Right-of-Way Facilities. Whenever any underground Public Space or Public Right-of-Way Facility is abandoned, the Person owning, using, controlling or having an interest therein, shall, within thirty (30) calendar days after such abandonment, file with the Director a statement in writing, giving in detail the location of the Public Space or Public Right-of-Way Facility so abandoned. Each map, set of maps, or plans filed pursuant to the provisions of this chapter shall show in detail the location of each such Public Space or Public Right-of-Way Facility abandoned subsequent to the filing of the last preceding map, set of maps, or plans. The Public Space or Public Right-of-Way Facilities abandoned shall be safeguarded to protect collapse and bulk headed in accordance with the Section 207.03(A) “Abandoned Utilities” of the Standard Specifications.

**Subsection 3405.8 is amended by deleting the phrase “Facilities installed in the Public Space or Public Right-of-Way” and replacing it with “Public Space or Public Right-of-Way Facilities.”**

Section 3499, DEFINITIONS, is amended as follows:

Subsection 3499.1 adds or amends the following definitions:

**Block** - that part of the Public Right-of-Way that includes the street area from the property line to the parallel property line in width and extending from the property line of an intersecting street to the nearest property line of the next intersecting street in length. For purposes of this definition, an intersection shall also be considered a Block”.

**Excavation** – any work in the surface or subsurface of any Public Space or Public Right-of-Way, including opening the Public Right-of-Way; installing, servicing, repairing, or modifying any Public Space or Public Right-of-Way Facility or Facilities in or under the surface or subsurface of any Public Space or Public Right-of-Way; and restoring the surface and subsurface of any Public Space or Public Right-of-Way.

**Public Space or Public Right-of-Way Facility or Facilities** - any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, and other appurtenances or tangible things owned, leased, operated, or licensed by an Owner or Person, that are located or are proposed to be located in the Public Right-of-Way.

**Public Parking** – the area of public space between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.

**Public Space** - all the publicly-owned property between the property lines on a street, park, or other public property as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or public parking between such property lines.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF FINAL RULEMAKING<sup>1</sup>****Z.C. CASE NO. 12-08C****(Text Amendment to Subtitle K of Title 11 DCMR to Increase Permitted FAR, Clarify Lot Occupancy Limits, Transfer Preferred Use Requirements, and Reflect New Street Names and Alignments within St. Elizabeths East Zones)****November 21, 2019**

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, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby gives notice of its amendment of the following provisions of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the Zoning Regulations] to which all references are made unless otherwise specified):

- Subtitle K (Special Purpose Zones), §§ 601-604, 607-609, 613-614, 616, and 618-619.

**Description of Amendment**

The text amendment amends the regulations for the St. Elizabeths East zones to:

- Increase the maximum floor area ratio (FAR) for StE-13, StE-15, and StE-17 zones in proximity to the Congress Heights Metro station;
- Clarify that the maximum lot occupancy limitation applies only to residential use;
- Transfer preferred use requirements from the StE-14B zone to the StE-15 and StE-17 zones;
- Permit parking & loading restrictions;
- Reflect new street names; and
- Correct references and terminology.

**Procedures Leading to Adoption of the Amendment**

On August 30, 2019, the Office of Planning (OP) submitted a report that served as a petition proposing text amendments to Subtitle K, Chapter 6, Saint Elizabeths East Campus Zones.

At its publicly noticed public meeting held on September 9, 2019, the Commission voted to set down the petition for a public hearing.

On November 8, 2019, as required by Subtitle Z § 400.6, OP filed a Hearing Report recommending approval of the proposed text amendment and presenting its analysis that the proposed text amendment was not inconsistent with the Comprehensive Plan.

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<sup>1</sup> For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 12-08C.

At the November 21, 2019 public hearing, the Commission heard testimony from OP and from the Office of the Deputy Mayor in support of the proposed text amendment.

At the close of the November 21, 2019 public hearing, the Commission voted to take proposed action and authorized the publication of a notice of proposed rulemaking.

### **Proposed Action**

**VOTE (November 21, 2019):** 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

### **Notice of Proposed Rulemaking**

The Commission published the proposed amendment as a Notice of Proposed Rulemaking in the *D.C. Register* at 66 DCR 16058 on December 6, 2019. No comments 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 NCPC for the thirty (30)-day review period required by § 492 of the District Charter on November 25, 2019. NCPC filed a report dated January 2, 2020, stating that it had determined that the proposed amendment was exempt from NCPC review. (Exhibit 11.)

### **“Great Weight” to the Recommendations of OP**

The Commission is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)); 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 persuasive OP’s recommendation that the Commission adopt the proposed text amendment and that it is not inconsistent with the Comprehensive Plan, and the Commission therefore 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.)); Subtitle Y § 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 filed a written report, there is nothing to which the Commission can give great weight.

At its January 13, 2020 public meeting, the Commission voted to take final action and authorized the publication of a notice of final rulemaking.

**Final Action**

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

The following amendments to Title 11 DCMR, Zoning Regulations of 2016, are hereby adopted:

**I. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended as follows:**

**Subsections 601.1 and 601.3 of § 601, DEVELOPMENT STANDARDS (STE), are amended to correct references, to read as follows:**

601.1            The development standards in Subtitle K §§ 602 through 611 shall control the bulk of buildings in the StE zones.  
...<sup>2</sup>

601.3            Except as provided in this chapter, the density, height of a building or structure not including the penthouse, lot occupancy, front setback, and rear yard in a StE zone shall not exceed or be less than that set forth in Subtitle K §§ 602 through 606.  
...

**Subsections 602.1, 602.2, and 602.9 of § 602, DENSITY – FLOOR AREA RATIO (FAR) (STE), are amended to increase by-right density in proximity to the Congress Heights Metro station and to correct references, to read as follows:**

602.1            The maximum permitted FAR of buildings in the StE zones shall be given in the following table:

**TABLE K § 602.1: MAXIMUM PERMITTED FAR**

Zone District	FAR (Max.)	FAR – Required	FAR – Above Grade
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<sup>2</sup> The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

		Residential (Min.)	Parking (Max.)
StE-1	0.20	-	-
...			
StE-13	4.00	2.00	-
StE-14A	1.50	-	-
StE-14B	1.50	1.00	-
StE-15	2.50	1.20	Subtitle K § 602.2
StE-16	3.20	1.60	-
StE-17	1.00	-	Subtitle K § 602.2
...			

602.2 Density for structured parking located above grade is regulated as follows:

- (a) In addition to the density permitted by Subtitle K § 602.1, additional density for above grade parking is permitted as follows:
  - (1) Within the StE-7 zone – 1.0 FAR;
  - (2) Within the StE-15 zone – 1.0 FAR; and
  - (3) Within the StE-17 zone – 2.0 FAR;
- (b) Any of the density permitted under Subtitle K § 602.2(a) that is not used for above grade parking may be utilized for any other use permitted within that zone;
- (c) Any above grade parking shall conform to the standards of Subtitle K § 608; and
- (d) This density may not be transferred through the combined lot provisions of Subtitle K §§ 602.4 through 602.8 to another parcel.

...

602.9 The density and height limits of Subtitle K §§ 602 and 603 shall serve as the maximums permitted under a planned unit development (PUD).

**Subsection 603.2 of § 603, HEIGHT (STE), is amended to correct the text, to read as follows:**

603.2 Maximum permitted building height and penthouse height within the StE-7 zone is as follows:

- (a) For a distance of two hundred fifty feet (250 ft.) measured from the north property line bounding Cypress Street, S.E., the maximum permitted building height, not including the penthouse, shall be eighty feet (80 ft.) and the maximum permitted height of the penthouse shall be twenty feet (20 ft.), and the maximum number of stories within the penthouse shall be

one (1), except that a second story for penthouse mechanical space shall be permitted; and

- (b) For the remainder of this parcel, the maximum permitted height shall be fifty feet (50 ft.); and the maximum permitted height of a penthouse shall be twelve feet (12 ft.), except that a height of fifteen feet (15 ft.) shall be permitted for penthouse mechanical space; and the maximum number of stories within the penthouse shall be one (1), except that a second story for penthouse mechanical space shall be permitted.

**Subsection 604.1 of § 604, LOT OCCUPANCY (STE), is amended to clarify that this provision regulates only residential use, to read as follows:**

604.1 The maximum permitted lot occupancy for the StE zones shall be given in the following table:

**TABLE K § 604.1: MAXIMUM PERMITTED LOT OCCUPANCY**

Zone District	Lot Occupancy for Residential Use (Max. %)
StE-1	25
...	

**Subsections 607.1 and 607.2 of § 607, INCLUSIONARY ZONING (STE), are amended to correct references, to read as follows:**

607.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Subtitle C, Chapter 10.

607.2 The density, height, and lot occupancy maximums of Subtitle K §§ 602, 603, and 604 shall serve as the maximum permitted density for buildings and structures within each zone including for the provision of inclusionary units.

**Subsections 608.3, 608.4, 608.10, 608.12, and 608.14 of § 608, PARKING (STE), are amended to reflect new street names, to limit parking restrictions, and to correct references, to read as follows:**

...

608.3 Additional parking spaces beyond the four thousand eight hundred (4,800) space limit shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle X, and provided that the applicant addresses compliance with the following standards:

- (a) The application shall include a detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K § 608.1; and shall also include a traffic study assessing the



impacts of the proposed additional parking spaces on local traffic patterns for referral to and comment by the District Department of Transportation;

...

608.4 For any application pursuant to Subtitle K § 608.3:

...

...

608.10 Parking spaces within an above-grade structure along 13<sup>th</sup> Street, S.E., and Sycamore Drive, S.E. shall be lined with preferred uses as defined in Subtitle K § 619.1 on the ground floor to a depth of thirty feet (30 ft.) minimum.

...

608.12 Parking spaces provided within an automated parking garage need not meet the accessibility requirement of Subtitle K § 608.11 as long as the mechanized parking system does.

...

608.14 For buildings located in the StE-1 through StE-9, StE-11 through StE-12, StE-16, and StE-18 through StE-19 zones, where other options for access to parking spaces exist, such as from an alley or a different street, access to parking shall not be from a section of street where preferred uses are required in accordance with Subtitle K §§ 619.2 and 619.3; or from Martin Luther King Jr. Avenue, S.E., Sycamore Drive, S.E., 12<sup>th</sup> Street, S.E., 13<sup>th</sup> Street, S.E., or Oak Drive, S.E.

...

**Subsections 609.1 and 609.2 of § 609, LOADING (STE), are amended to reflect new street names, to limit loading restrictions, and to correct references, to read as follows:**

609.1 Loading requirements for each use shall be as prescribed in Subtitle C, Chapter 9.

609.2 For buildings located in the StE-1 through StE-9, StE-11 through StE-12, StE-16, and StE-18 through StE-19 zones, where other options for access to loading exist, such as from an alley or a different street, access to loading shall not be from a section of street where preferred uses are required in accordance with Subtitle K §§ 619.2 and 619.3; or from Martin Luther King Jr. Avenue, S.E., Sycamore Drive, S.E., 12<sup>th</sup> Street, S.E., 13<sup>th</sup> Street, S.E., or Oak Drive, S.E.

**Subsection 613.2 of § 613, USE LIMITATIONS (STE), is amended to correct references and text, to read as follows:**

613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle U, Chapter 3, which include, but are not limited to, buildings containing one (1) or two (2) dwelling units, and other uses compatible with a low- to moderate-density residential zone.

**Section 614, USES PERMITTED BY SPECIAL EXCEPTION (StE), is amended to clarify the text and correct references, to read as follows:**

614.1 The uses in this section shall be permitted in the StE zones as a special exception if approved by the Board of Zoning Adjustment pursuant to the general standards of Subtitle X and subject to the applicable conditions of each section as stated below:

- (a) Except as permitted as a matter of right in the StE-2 zone ...
- (b) Community-based institutional facilities (CBIF) for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the criteria set forth in Subtitle K § 618 and the following conditions:
  - (1) There shall be no other property containing a CBIF ...
  - ...
  - (4) The CBIF shall meet all applicable code and licensing requirements.
  - ...

**Section 616, ACCESSORY USES (StE), is amended to correct references, to read as follows:**

616.1 Accessory uses, buildings, or structures customarily incidental and subordinate to the principal uses permitted in Subtitle K § 612 shall be permitted in any StE zone except StE-19 as a matter of right, subject to the development standards of Subtitle K §§ 602 through 606.

**Section 618, SPECIAL EXCEPTION – GENERAL USE PROVISIONS (StE), is amended to correct a reference, to read as follows:**

618.1 In addition to the general standards set forth in Subtitle X, an applicant for a special exception to establish a community based institutional facility (CBIF) pursuant to Subtitle K § 614.1(b) shall demonstrate ...

**Section 619, PREFERRED USE REQUIREMENTS (STE), is amended to reflect new street names, to transfer the preferred use requirements from the StE-14B zone to the StE-15 and StE-17 zones, and to correct references, by revising §§ 619.2, 619.3, 619.6, and 619.7, and by adding a new § 619.3 and renumbering the current §§ 619.3 through 619.7 as new §§ 619.4 through 619.8, to read as follows:**

...

- 619.2 Each building that faces the following streets or locations in the following zones shall devote not less than fifty percent (50%) of the gross floor area of the ground floor to preferred uses:
- (a) StE-3 ...
  - (b) StE-7: facing Martin Luther King Jr. Avenue, S.E., Cypress Street, S.E., Sycamore Drive, S.E., or 8<sup>th</sup> Street, S.E.;
  - (c) StE-15: facing Sycamore Drive, S.E., 13<sup>th</sup> Street, S.E., Oak Drive, S.E., or the park;
  - (d) StE-16: facing 13<sup>th</sup> Street, S.E., and the southwest corner; and
  - (e) StE-17: facing Sycamore Drive, S.E., 13<sup>th</sup> Street, S.E., or 12<sup>th</sup> Street, S.E.
- 619.3 In addition to the preferred use requirements of Subtitle K § 619.2, each building in the StE-15 and StE-17 zones shall devote additional square footage to preferred uses on the ground floor in an amount sufficient that all buildings in the StE-15 and StE-17 zones collectively provide an additional six thousand six hundred and twenty square feet (6,620 sq. ft.) devoted to preferred uses on the ground floor across the StE-15 and StE-17 zones. Each building permit application shall include evidence of the allocation of these six thousand six hundred and twenty square feet (6,620 sq. ft.) to the individual buildings in these zones.
- 619.4 Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in Subtitle K §§ 619.2 and 619.3 shall be devoted to doors or display windows having clear or low emissivity glass.
- 619.5 Preferred uses shall provide direct, exterior access to the ground level.
- 619.6 The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.).
- 619.7 Ground floor area required for preferred uses may not be transferred to any other lot through the combined lot development procedures of Subtitle K §§ 602.4 through 602.8.

619.8 For good cause shown, the Board of Zoning Adjustment may authorize interim occupancy of the preferred use space required under Subtitle K §§ 619.2 and 619.3 by other uses permitted in the StE zones for up to a five (5) year period, provided that:

- (a) The ground-floor space is suitably designed for future occupancy by preferred uses;
- (b) The proposed use is compatible with the surrounding uses; and
- (c) It can be demonstrated that a preferred use cannot be accommodated due to market conditions.

The text amendments shall become effective upon publication of this notice in the *D.C. Register*, that is on February 14, 2020.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF FINAL RULEMAKING****Z.C. CASE NO. 19-15<sup>1</sup>****(Text Amendment – Subtitles B, H, K, and U of Title 11 DCMR)****(To Authorize Short-Term Rentals)****January 13, 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 (2016 Repl.)), hereby gives notice of its amendment of the following provisions of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, [the Zoning Regulations] to which all references are made unless otherwise specified):

- Subtitle B (Definitions, Rules of Measurement, and Use Categories), §§ 100.2 and 200.2;
- Subtitle H (Neighborhood Mixed-Use (NC) Zones), § 1103.1;
- Subtitle K (Special Purpose Zones), §§ 414.3, 616.2, 712.6, and 911; and
- Subtitle U (Use Permissions), §§ 250.1, 505.2, and 600.1.

**Description of Amendment**

The Commission proposes to authorize short-term rentals as accessory uses in zones where residential uses are permitted by establishing a definition of a “Short-Term Rental,” by amending the lodging and residential use categories to exclude “Short-Term Rental” uses, and by amending the use permissions. The Commission took action in response to a petition filed by the Council of the District of Columbia, acting through its Chairman (Council), proposing these changes to facilitate the administration and implementation of D.C. Law 22-307 that authorizes and regulates short-term rentals (STR Law).

**Procedures Leading to Adoption of Amendment**

On July 29, 2019, the Council filed a letter that served as a petition proposing text amendments to Subtitle B §§ 100.2 and 200.2 to authorize short-term rentals in residential zones as permitted under the STR Law.

At its publicly noticed public meeting held on July 29, 2019, the Commission voted to set down the petition for a public hearing and granted authority to the Council to revise the proposed text in consultation with the Office of the Attorney General. Based on that consultation, the proposed text amendments were revised to authorize short-term rentals as an accessory use to a principal residential use in all zones in which residential uses were allowed.

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<sup>1</sup> For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 19-15.

The Office of Planning (OP) filed a Hearing Report on August 30, 2019, as required by Subtitle Z § 400.6, recommending approval of the proposed text amendment and presenting its analysis that the proposed text amendment was not inconsistent with the Comprehensive Plan.

At its October 17, 2019 public hearing, the Commission heard testimony from the Council, OP, from Advisory Neighborhood Commissions (ANC) 1A and 6C, and from members of the public.

The Council noted that it had adopted the STR Law to allow and regulate short-term rentals following a lengthy public hearing process and that it had first requested that the Commission take action to authorize short-term rentals in residential zones in October 2018. The Council requested that the Commission take emergency action to authorize short-term rentals in residential zones because the STR Law, which had become effective on October 1, 2019, required short-term rentals to obtain licenses, which could only be issued in compliance with the Zoning Regulations.

The Council stated that the Chief Financial Officer estimated that eighty to ninety percent (80-90%) of short-term rentals currently exist in residential zones, which are not permitted under the Zoning Regulations. These short-term rentals would be ineligible for a license under the STR Law, which required proof of zoning compliance. The District therefore risked losing significant tax revenue from these short-term rentals that would not be able to obtain a short-term rental license until the Commission adopted revisions to the Zoning Regulations to authorize short-term rentals.

OP testified in support of the text amendment, as did most public comments, although some public comments asked the Commission to consider expanding the scope of short-term rentals.

ANC 1A supported the text amendment but expressed its concern that the text amendment defined a “Short-Term Rental” by reference to the STR Law instead of adopting a stand-alone definition in the Zoning Regulations. ANC 1A asserted that this created a potential legal risk if the STR Law was overturned by an appeal, as well as effectively allowing the Council to rewrite the Zoning Regulations. ANC 1A therefore asked that the Commission consider adopting a stand-alone definition separate from that in the STR Law.

ANC 6C opposed the text amendment, echoing ANC 1A’s concern about the definition referencing the definition in the STR Law, and expressing its concern that it would allow too many short-term rentals, which would decrease housing availability and affordability in violation of the principles and objections of the Comprehensive Plan. ANC 6C therefore requested the Commission revise the text amendment to restrict the short-term rental uses even further than the STR Law did.

The Council rebutted ANC 1A’s concern that the proposed text amendment’s reference to the STR Law to define “Short-Term Rental” risked confusion if the STR Law was overturned in a legal challenge by asserting that the cross-referencing reduced potential confusion between the regulation of short-term rentals under the zoning and licensing regulations, particularly as the STR Law’s definition is complex and subject to clarification under regulations authorized by the

STR Law. The Council rebutted ANC 6C's concerns about the impact of short-term rentals by noting that the STR Law was based on substantial public involvement and that the Council had considered the potential impact of short-term rentals on housing supply and affordability in settling on a final balance that allowed short-term rentals only in the host's primary residence and not permitting investor-owned short-term rentals. The Council noted that the ninety (90)-day annual maximum for vacation rentals was not an outlier in the short-term rental regulations adopted in surrounding jurisdictions, which ran from sixty (60) days to unlimited.

At the close of its October 17, 2019 public hearing, the Commission requested that the Council provide additional justification for its request for emergency rulemaking and that OP provide a concise summary of the law and confirm the impact of the proposal to allow the short-term rental accessory uses in non-residential zones.

On October 22, 2019, OP filed a supplemental report stating that DCRA was waiting to finalize its short-term rental licensing and enforcement rules until the Commission took action to authorize short-term rentals. The Council filed its response the same day further justifying its request for emergency rulemaking based on confirmation that DCRA could not act until it knew the scope and limitations of zoning approval for short-term rentals, and that the uncertainty caused by further delay risked the loss of additional tax revenue and enforcement of consistent rules.

At its October 24, 2019 special public meeting, the Commission concluded that taking emergency action to adopt the proposed text amendment is necessary to resolve the uncertainty surrounding the implementation of the STR Law, which became effective on October 1, 2019, and to avoid the potential loss of tax revenue pending DCRA's promulgation of licensing and enforcement regulations. The Commission recognized that the Council had requested that the Commission take action a year earlier when the STR Law was adopted after an extensive public process, and that the continuing uncertainty for all actors – hosts, guest, and neighbors – was not in the public interest. For these reasons, the Commission agreed with the Council's justification for the emergency adoption of these amendments as necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968. (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.).)

The Zoning Commission therefore took **EMERGENCY ACTION** to adopt the proposed text amendment and also took **PROPOSED ACTION** to authorize the publication of a Notice of Proposed Rulemaking:

**VOTE (October 24, 2019):**        **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

The emergency rule was effective as of the Commission's October 24, 2019 vote and will expire upon publication of this Notice of Final Rulemaking in the *D.C. Register*, which supersedes the emergency rule.

**Notice of Emergency and Proposed Rulemaking**

The Commission published the proposed amendment as a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* at 66 DCR 15275 on November 15, 2019.

No comments 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 (2013 Repl.).)

**National Capital Planning Commission (“NCPC”)**

The Commission referred the proposed amendment to the National Capital Planning Commission (“NCPC”) for the thirty (30)-day review period required by § 492 of the District Charter on October 28, 2019.

NCPC filed a report dated December 5, 2019, stating that NCPC, through a delegated action, had determined that the proposed text amendment would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capitol nor would it adversely affect any other identified federal interests. (Exhibit 40.)

**“Great Weight” to the Recommendations of OP**

The Commission is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8); *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 approve 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 pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2.) 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 is not persuaded by the concern shared by ANCs 1A and 6C that defining “Short-Term Rental” by referencing the definition in the STR Law creates legal risks and allows the Council to effectively rewrite the Zoning Regulations because the Commission notes that ANC 1A recognized that existing zoning definitions referenced definitions in District law. The Commission notes that it retained the ability to revise this definition in the future if it did not agree with future action by the Council or DCRA under the STR Law or if the STR Law were overturned on appeal. In the meantime, the Commission credits OP’s support and the Council’s



testimony that having a single definition reduces potential ambiguities, especially in light of the complexity of the STR Law’s definition of “Short-Term Rental.”

The Commission is also not persuaded by ANC 6C’s concerns that the STR Law is too permissive and will reduce housing affordability and availability and so be inconsistent with the Comprehensive Plan. The Commission credits the Council’s assertion that the STR Law limits the impact on the availability and affordability of housing by barring investor-owner short-term rentals, while also allowing property owners to operate short-term rentals in their primary residence, providing income that some property owners need to stay in their homes thereby supporting housing affordability and home ownership. The Commission also credits OP’s analysis and recommendation that the proposed text amendment is not inconsistent with the Comprehensive Plan.

Therefore, at its January 13, 2019, public meeting, the Zoning Commission took **FINAL ACTION** to adopt the proposed text amendment:

**VOTE (January 13, 2019):**      **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

The following amendments to Title 11 DCMR, Zoning Regulations of 2016, are 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 adding a definition of “Short-Term Rental” and revising the definition of “Accessory Use,” to read as follows:**

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

...<sup>2</sup>

Sexually-Oriented Business Establishment: ...

Short-Term Rental: A use as defined by the Short-Term Rental Regulation Act of 2018 (D.C. Law 22-307), that has a valid Basic Business License from the Department of Consumer and Regulatory Affairs with a “Short-Term Rental” or “Short-Term Rental: Vacation Rental” endorsement.

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<sup>2</sup> The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

Specified Anatomical Areas: ...

...

Use, Accessory: A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use. Except for Short-Term Rentals and unless otherwise specifically permitted, an accessory use shall be limited to twenty percent (20%) of the gross floor area.

**Subsection 200.2 of § 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, is amended by revising paragraphs (s) and (aa) to exclude Short Term Rentals from the “Lodging” and “Residential” use categories, to read as follows:**

200.2 When used in this title, the following use categories shall have the following meanings:

(a) Agriculture, ...

...

(s) Lodging:

(1) A use providing ...

...

(3) Exceptions: This use category does not include uses which more typically would fall within the emergency shelter or residential use categories or Short-Term Rental;

...

(aa) Residential:

(1) A use offering ...

...

(4) Exceptions: This use category does not include uses which more typically would fall within the lodging, education, or community-based institutional facility use categories or Short-Term Rental;

(bb) Retail:

(1) A use engaging primarily ...

...

**II. Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES**

**Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES, of Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended by adding a new paragraph (r) and reordering alphabetically, to read as follows:**

1103.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) NC zone designated uses;
- ...
- (q) Services, financial;
- (r) Short-Term Rental as an accessory use to a principal residential use; and
- (s) Transportation infrastructure.

**III. Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Section 414, ACCESSORY USES (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new § 414.3, to read as follows:**

414.3 Short-Term Rental shall be permitted as an accessory use to a principal residential use in the HE zones.

**Section 616, ACCESSORY USES (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended by adding a new § 616.2, to read as follows:**

616.2 Short-Term Rental shall be permitted as an accessory use to a principal residential use in the StE zones.

**Section 712, MATTER-OF-RIGHT USES (RC), of Chapter 7, REED-COOKE ZONES – RC-1 THROUGH RC-3, is amended by adding a new § 712.6, to read as follows:**

712.6 Short-Term Rental shall be permitted as an accessory use to a principal residential use in the RC zones.

**Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended by adding a new paragraph in alphabetical order to §§ 911.1, 911.2, 911.3, and 911.5, to read as follows:**

- 911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions:
  - (a) Agriculture ...
  - ...
  - (m) Retail subject to the conditions of Subtitle K § 912.10;
  - (n) Short-Term Rental as an accessory use to a principal residential use;
  - (o) Transportation infrastructure; and
  - (p) Utilities, basic.
  
- 911.2 The uses in this section shall be permitted as a matter of right in the WR-2, WR-3, WR-4, and WR-5 zones, subject to any applicable conditions:
  - (a) Agriculture ...
  - ...
  - (x) Service, general subject to the conditions of Subtitle K § 912.11;
  - (y) Short-Term Rental as an accessory use to a principal residential use; and
  - (z) Transportation infrastructure.
  
- 911.3 The uses in this section shall be permitted as a matter of right in the WR-7 zone, subject to any applicable conditions:
  - (a) Agriculture ...
  - ...
  - (h) Retail;
  - (i) Short-Term Rental as an accessory use to a principal residential use; and
  - (j) Transportation infrastructure.
  - ...
  
- 911.5 The uses in this section shall be permitted as a matter of right in the WR-6 zone, subject to any applicable conditions:

- (a) Agriculture ...
- ...
- (n) Retail subject to the conditions of Subtitle K § 912.10;
- (o) Short-Term Rental as an accessory use to a principal residential use; and
- (p) Transportation infrastructure.

**IV. Amendments to Subtitle U, USE PERMISSIONS**

**Subsection 250.1 of § 250, ACCESSORY USES (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL (R) ZONES, of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (f) and reordering alphabetically, to read as follows:**

- 250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:
- (a) An accessory apartment subject to the conditions of Subtitle U § 253;
  - (b) Two (2) boarders within the principal dwelling;
  - (c) No more than two (2) car-sharing ...
  - (d) Child development home ...
  - (e) Home Occupation subject to the conditions of Subtitle U § 251;
  - (f) Short-Term Rental as an accessory use to a principal residential use; and
  - (g) Other accessory uses, buildings or structures ....

**Subsection 505.2 of § 505, MATTER-OF-RIGHT USES (MU-USE GROUP B), of Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, is amended by adding a new paragraph (h) and reordering alphabetically, to read as follows:**

- 505.2 The following marine uses shall be permitted as a matter of right:
- (a) Boat construction on an occasional basis by a local community organization;
  - (b) Community garden operated by a local community organization or District government agency;

- (c) Floating homes within a permitted marina or yacht club, provided that the maximum density of floating home berths shall not exceed fifty percent (50%) of the total number of berths in the marina or yacht club;
- (d) A home occupation within a floating home;
- (e) Seasonal or occasional market for produce, arts, and crafts, with non-permanent structures;
- (f) Publicly accessible park or open space, playground, or athletic field, including pedestrian and bicycle trails, necessary support facilities, and fitness circuits;
- (g) Public nature education or interpretive center including a boat dock; and
- (h) Short-Term Rental as an accessory use to a principal residential use.

**Subsection 600.1 of § 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, is amended by adding a new paragraph (g), to read as follows:**

600.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

- (a) Agricultural, both ...  
...
- (e) Parking subject to ...
  - (1) Surface parking spaces ...  
...
  - (3) Parking garage ...
    - (A) No more than two ...  
...
    - (C) The building shall open directly onto an alley;
- (f) Residential dwelling ...
  - (1) The alley lot ...  
...
  - (5) If the Zoning Administrator or other authorized building official ... referred to the Board of Zoning Adjustment; and

- (g) Short-Term Rental as an accessory use to a principal residential use.

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 February 14, 2020.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority under Section 18(e) of Mayor-Commissioner Regulation 74-39, enacted December 13, 1974, as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293 (May 5, 1978)), Reorganization Plan 1 of 1986, effective August 21, 1986, the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code §§ 37-131.01 *et seq.* (2018 Repl.)) and Mayor's Order 2010-91, dated May 27, 2010; Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2016 Repl.)); and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR) and amendments to Chapter 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the DCMR.

This proposed rulemaking aims to address several of the current enforcement challenges related to the regulation of food trucks in the District. In particular, this proposed rulemaking would establish an auction program for food trucks to legally operate in designated areas along the National Mall where food trucks currently operate illegally. The rulemaking also clarifies several regulations to make them easier to understand and enforce, penalizes vendors who attempt to intimidate District employees, prevents food trucks with large outstanding fines from being shuffled to a new business owner without first addressing the fines, and requires vending vehicle operators to download and utilize DCRA's mobile application whenever the vehicle is actively vending.

This proposed rulemaking also creates a new license class for mobile sidewalk vendors selling sealed, plastic bottle beverages.

Directions for submitting comments may be found at the end of this notice.

**Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:**

**Chapter 5, VENDORS, is amended as follows:**

**Section 503, VENDING BUSINESS LICENSE: CLASSES OF LICENSES, is amended as follows:**

**Subsection 503.1 is amended to read as follows:**

- (c) Class C Licenses – A Class C Vending Business License shall authorize a person to manage public markets on public or private space for the sale of agricultural goods and other farm products, or other food as designated by



the DOH Director, and other non-food merchandise or services as designated by the DCRA Director;

- (d) Class D Licenses – A Class D Vending Business License shall authorize a person to vend services from public space, including photography, shoe shining, and other such services as the DCRA Director designates; and
- (e) Class E Licenses – A Class E Vending Business License shall authorize a person to vend sealed, plastic bottles containing beverages from small, easily portable coolers on public sidewalks, except: (1) in areas detailed in § 525.1(c), § 529.1, (2) within twenty-five feet (25') of a vendor with a valid vending site permit, (3) within twenty-five feet (25') of any retailer or food service establishment that sells beverages, or (4) in any location that impedes pedestrians' sidewalk access. Class E Vending Business License holders are exempt from § 502.1(b), § 504.2(d), §504.2(e), § 505.7, and § 508.

**Section 507, VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE, is amended as follows:**

**Subsection 507.1 is amended to read as follows:**

- 507.1 The DCRA Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License, for any of the following:
- (a) Fraud, misrepresentation, or false statements contained in the license application;
  - (b) Fraud, misrepresentation, or false statements made in connection with the selling of any product, service, or merchandise, as determined by the DCRA Director, or the misrepresentation or adulteration of food, as determined by the DOH Director;
  - (c) Violation of any District law or regulation governing the operation of the vending business, including, but not limited to:
    - (1) The possession or sale of counterfeit merchandise;
    - (2) The offering for sale of illegal goods, substances, or services;
  - (d) The vendor is vending at a location other than the vendor's assigned Vending Location or is parked or vending at the vendor's assigned Vending Location outside of the designated hours;
  - (e) Violations of the Clean Hands Certification requirements;

- (f) Fraud committed against the District government, such as failure to pay required sales and use taxes, or attempting to transfer a Vending Business License, Vending Site Permit, or a Mobile Roadway Vending Site Permit to another person in violation of §§ 502.5, 510.4, and 514.3, respectively;
- (g) The vendor is found to have committed the same violation of the following sections of this chapter six (6) or more times in a continuous twelve (12) month period:
  - (1) §§ 544 through 554;
  - (2) §§ 556 through 568; or
  - (3) § 571;
- (h) The vendor is found to have violated § 555 of this chapter;
- (i) If any of the vending vehicles registered as part of the Vending Business License (or sought to be registered as part of the Vending Business License application) have more than three hundred dollars (\$300) of unpaid fines for parking violations that are more than 60 calendar days old, or vending business license infractions; or
- (j) If a vendor or any of the vendor's employees physically assault or attempt to bribe any District employee or contractor while that employee or contractor is engaging with the vendor on official business, or if the assault or bribe attempt occurred because of the employee's official duties in connection with the vendor.

**Section 512, VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE, is amended as follows:**

**Subsection 512.1 is amended to read as follows:**

- 512.1 The DCRA Director may summarily revoke or suspend a Vending Site Permit at any time, without prior notice to the vendor or a prior opportunity to be heard, if:
- (a) The Vending Location associated with the Vending Site Permit is not eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation;
  - (b) The DDOT Director has eliminated the Vending Location associated with the Vending Site Permit;
  - (c) The Vending Location, or the vending-related activities at the Vending

Location, constitute a threat to public safety;

- (d) The vendor is operating in a manner that is in violation of the terms or conditions of the Vending Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the Vending Site Permit to another person;
- (e) The vendor is parked or vending at the vendor’s assigned Vending Location outside of the designated hours; or
- (f) If a vendor or any of the vendor’s employees physically assault or attempt to bribe any District employee or contractor while that employee or contractor is engaging with the vendor on official business, or if the assault or bribe attempt occurred because of the employee’s official duties in connection with the vendor.

**Section 533, VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: GENERAL, is amended as follows:**

**Subsection 533.7 is amended to read as follows:**

533.7 No mobile roadway vending shall park or vend within five hundred feet (500') or on the same block of a designated MRV location during the designated hours, except within another designated MRV location or with written approval from DCRA.

**Section 534, VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS, is amended as follows:**

**Subsection 534.6 is amended to read as follows:**

534.6 A MRV vehicle may park within a designated MRV location for no more than the four (4) hours per weekday designated by § 534.3.

**Section 535, VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS, is amended as follows:**

**Subsection 535.2 is amended to read as follows:**

535.2 A MRV vehicle operating outside of a designated MRV location or an Ice Cream Roadway vendor operating under § 543 shall not park or vend:

**Subsection 535.3 is amended to read as follows:**

535.3 A MRV vehicle operating under this section shall not park or vend at the following locations:

- (a) Constitution Avenue NE/NW between 23rd Street, NW, and 2nd Street, NE;
- (b) Independence Avenue SE/SW between 23rd Street, NW, and 2nd Street, NE;
- (c) 17th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (d) 15th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;
- (e) 4th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (f) 3rd Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
- (g) 1st Street, NE/SE, between Constitution Avenue, NE, and Independence Avenue, SE;
- (h) East Capitol Street, NE, between 1st Street, NE, and 2nd Street, NE;
- (i) Madison Drive, NW, between 15th Street, NW, and 3rd Street, NW;
- (j) Jefferson Drive, SW, between 15th Street, SW, and 3rd Street, SW;
- (k) Pennsylvania Avenue, NW, between 15th Street, NW, and 1st Street, NW;
- (l) Maryland Avenue, SW, between Independence Avenue, SW, and 1st Street, SW; and
- (m) 1st Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW.

**Section 540, ASSIGNMENT OF MOBILE ROADWAY VENDING LOCATIONS, is amended as follows:**

**Subsection 540.3 is amended to read as follows:**

540.3 The lottery shall be conducted monthly, with MRV locations allocated to MRV vehicles by the following days of the week, to operate between the hours of 10:30 a.m. and 2:30 p.m.:

- (a) Monday;

- (b) Tuesday;
- (c) Wednesday;
- (d) Thursday; and
- (e) Friday.

**Subsections 540.11 – 540.14 are added to read as follows:**

- 540.11 The DCRA Director shall establish an auction for MRV location permits at the following locations for Saturdays and Sundays only, to operate between the hours of 11:00 a.m. and 5:00 p.m.:
- (a) Both sides of 14th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;
  - (b) The West side of 7th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW.
- 540.12 The DCRA Director shall establish the format of the MRV location permit auction and may modify the format, as necessary, to improve efficiency or to incorporate technological advancements.
- 540.13 A MRV vehicle shall register for the MRV location permit auction by the MRV vehicle's vehicle registration number and Vending Business license number. No vendors will be eligible for the MRV location permit auction in months when their Vending Business license will expire without renewal.
- 540.14 A MRV vehicle wishing to participate in the auction for weekend MRV location permits, but not the lottery for weekday MRV location permits, must register for the MRV location permit lottery and pay the twenty-five dollar (\$25) application fee, but is not required to pay the monthly one hundred and fifty dollar (\$150) permit fee.

**Section 542, TEMPORARY RELOCATION OF VENDORS, is amended as follows:**

- 542.1 The DCRA Director, the DDOT Director, or MPD may order the temporary relocation of a vendor from the vendor's permitted Vending Location in construction areas, for special events or transportation requirements, or any other situations where the Vending Location is either unavailable or creates a threat to the public health, safety, or welfare.
- 542.2 Any temporary relocation shall last only until such time as the original Vending Location is determined by the DCRA Director, the DDOT Director, or MPD to be

useable again.

- 542.3 A vendor subject to a temporary relocation shall be relocated by the DCRA Director to the closest available location that is deemed allowable for vending, with the exception of special events, which the DCRA Director will not provide a temporary location for.
- 542.4 In any situation where a temporary relocation will be for at least twenty-one (21) calendar days, the DCRA Director shall issue the affected vendor, at no cost, a new Vending Site Permit for the new Vending Location.

**Section 562, DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES, is amended as follows:**

- 562.7 All vending vehicle operators shall have downloaded and shall use DCRA's mobile application when the vehicle is actively vending, including vending in lottery-assigned locations and roaming locations. Each vending vehicle operator shall input their vending location into the mobile application and shall promptly clock in and out at each vending location.

**Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:**

**Chapter 33, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS (DCRA) INFRACTIONS, is amended as follows:**

**Section 3313, VENDING BUSINESS LICENSE INFRACTIONS, is amended as follows:**

**Subsection 3313.2 is amended to read as follows:**

- 3313.2 Violation of any of the following provisions shall be a Class 2 infraction:
- (a) 24 DCMR §§ 503.3 (a), (j), (k), and (l) (selling animals, offensive merchandise, or counterfeit merchandise);
  - (b) 24 DCMR §§ 508.4 and 503.1(e) (vending at unauthorized vending location);
  - (c) 24 DCMR § 517.1 (vending without a health inspection certificate issued by the Department of Health);
  - (d) 24 DCMR § 521.1 (vending without a Department of Health-issued food protection manager certificate or food protection manager identification card);

- (e) 24 DCMR § 522.1 (vending without a propane or open flame permit issued by the Fire and Emergency Medical Services Department);
- (f) 24 DCMR § 523.1 (vending without a hood suppression system approved by the Fire and Emergency Medical Services Department);
- (g) 24 DCMR § 527.1 (vending at unauthorized vending locations in the Old Georgetown vending zone);
- (h) 24 DCMR § 533.7 (mobile vending within 500 feet of designated MRV location);
- (i) 24 DCMR § 534.6 (vending in designated MRV location beyond the authorized hours of operation);
- (j) 24 DCMR § 538.5 (transfer of sidewalk vending lottery registration or sidewalk vending location assignment);
- (k) 24 DCMR § 539.9 (transfer of roadway vending lottery registration or roadway vending location assignment);
- (l) 24 DCMR § 540 (mobile vending in an unassigned designated MRV location);
- (m) 24 DCMR § 540.5 (transfer of designated MRV location permit assignments, without approval);
- (n) 24 DCMR § 538.1 (vending in unassigned vending location);
- (o) 24 DCMR § 543 (failure to adhere to ice cream roadway vendors operational standards)
- (p) 24 DCMR § 556.1 (vending without fire extinguisher);
- (q) 24 DCMR § 556.2 (failure to adhere to propane operating standards);
- (r) 24 DCMR §§ 562.6 and 562.7 (failure to provide license, permits, or certificates to authorized District government representative, and failure to utilize DCRA's mobile application when vending);
- (s) 24 DCMR §§ 562.4 and 562.5 (vending license, permits, or certificates placed on an unauthorized vending vehicle, cart, or stand);
- (t) 24 DCMR § 563.1 (failure of vending vehicle or cart to be registered and displaying current tags);

- (u) 24 DCMR § 571.2 (failure of vendor vending at licensed special event to comply with business registration and license requirements);
- (v) 24 DCMR § 573 (unauthorized soliciting);
- (w) 24 DCMR § 573.6 (buying or selling tickets in an area not designated for that purpose); and
- (x) 24 DCMR § 574 (vending depot operating requirements).

All persons desiring to comment on these proposed regulations should submit comments in writing to Jonathan Kuhl, Chief of External Affairs, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., 5th Floor, Washington, D.C. 20024 or via e-mail at [Jonathan.Kuhl1@dc.gov](mailto:Jonathan.Kuhl1@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8945. Copies of the proposed rules can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), or from the address listed above.



## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Subsections 3(b)(11), (15) and (20), and Section 7d 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), (15), and (2), and 38-2610(a) (2018 Repl. & 2019 Supp.)), as amended; Section 106 of the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code § 38-771.06 (2018 Repl. & 2019 Supp.)); and Mayor's Order 2018-91, dated November 15, 2018, hereby gives notice of her intent to amend Chapter 23 (State-Wide Academic Assessments) in Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR).

In order to measure and report the achievement of students and performance of schools in the District of Columbia, the Office of the State Superintendent of Education (OSSE) must administer statewide assessments. Pursuant to the District of Columbia Public Education Reform Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §§ 38-1800 *et seq.* (2018 Repl. & 2019 Supp.)), OSSE serves as the state education agency (SEA) and performs the functions of an SEA for the District of Columbia under applicable federal law, including grant-making, oversight, and state functions for standards, assessments, and federal accountability requirements for elementary and secondary education.

The purpose of this rulemaking is to set forth the minimum requirements to protect the integrity of the statewide assessments and to ensure that results are accurate and meaningful. OSSE's goal is for schools and LEAs to deliver a uniform and equitable statewide assessment program. For assessments to yield fair and accurate results, the assessments must be administered in consistent and standardized conditions, and the best way to ensure that occurs is to ensure all teachers and administrators understand and recognize acceptable and unacceptable assessment practices and protocols.

Additionally, the purpose of this rulemaking is to establish process for conducting investigations in the instance of unacceptable assessment practices and protocols. This rulemaking will be used to determine whether a violation occurred, the issuance of sanctions for violations, and the seeking of review of OSSE's findings of both non-sanctionable and sanctionable violations.

On July 22, 2019, OSSE issued an Advanced Notice of Proposed Rulemaking ("ANPR") on OSSE's website to provide stakeholders an opportunity to provide advanced comment on proposed amendments to a new Chapter 23 prior to this rulemaking. The comment period was open for thirty (30) days, closing on August 21, 2019. OSSE received comments from two (2) stakeholders and has reviewed and thoroughly considered all comments. Accordingly, this proposed rulemaking incorporates amendments based on public comments received in response to the ANPR. The amendments include the following: updating language to clarify intent, replacing "LEA" with "school" where appropriate, updating timelines to align with current practices, and amendments responding to schools' need for flexibility around planning and

staffing the assessments. In addition, other comments reflect guidance suggested to be included in OSSE's annual test security guidelines and OSSE will update the guidelines as necessary.

This proposed rulemaking will be submitted to the Council of the District of Columbia for a fourteen (14) day review period or Council approval before final adoption, pursuant to Section 106 of the District of Columbia Testing Integrity Act ("Act"), effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code § 38-771.06 (2018 Repl. & 2019 Supp.)). 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 23, STATE-WIDE ACADEMIC ASSESSMENTS, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended by adding the following new sections, to read as follows:**

- 2303 TESTING INTEGRITY AND SECURITY: GENERAL PROVISIONS AND APPLICABILITY**
- 2304 TESTING INTEGRITY AND SECURITY: *PRIOR* TO THE ADMINISTRATION OF STATEWIDE ASSESSMENTS**
- 2305 TESTING INTEGRITY AND SECURITY: TEST SECURITY PLANS**
- 2306 TESTING INTEGRITY AND SECURITY: *DURING* THE ADMINISTRATION OF STATEWIDE ASSESSMENTS**
- 2307 TESTING INTEGRITY AND SECURITY: EXCEPTIONS OR SPECIAL CIRCUMSTANCES DURING ADMINISTRATION OF STATEWIDE ASSESSMENTS**
- 2308 TESTING INTEGRITY AND SECURITY: *AFTER* THE ADMINISTRATION OF STATEWIDE ASSESSMENTS**
- 2309 TESTING INTEGRITY AND SECURITY: RECORD KEEPING**
- 2310 TESTING INTEGRITY AND SECURITY: TRAINING AND TECHNICAL ASSISTANCE; MONITORING**
- 2311 TESTING INTEGRITY AND SECURITY: REQUIRED REPORTING**
- 2312 TESTING INTEGRITY AND SECURITY: VIOLATIONS**
- 2313 TESTING INTEGRITY AND SECURITY: INVESTIGATIONS**
- 2314 TESTING INTEGRITY AND SECURITY: INVESTIGATION PROCESS**
- 2315 TESTING INTEGRITY AND SECURITY: CONSEQUENCES OF VIOLATIONS**
- 2316 TESTING INTEGRITY AND SECURITY: RECONSIDERATION OF A FINDING OF NON-SANCTIONABLE VIOLATION**
- 2317 TESTING INTEGRITY AND SECURITY: ADMINISTRATIVE REVIEW OF A FINDING SANCTIONABLE VIOLATION**
- 2399 DEFINITIONS**

**2303 TESTING INTEGRITY AND SECURITY: GENERAL PROVISIONS AND APPLICABILITY**

2303.1 Pursuant to the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code §§ 38-771.01 *et seq.* and 38-2602(b)(20), the Office of the State Superintendent of Education (“OSSE”) shall administer and enforce this chapter to protect the integrity of the statewide assessments and to ensure that results are accurate and meaningful.

2303.2 The requirements set forth in this chapter shall apply to the following:

- (a) Local education agencies (“LEA”);
- (b) All District of Columbia public and public charter schools;
- (c) Each statewide assessment administered pursuant to Section 2301;
- (d) All students in an assessed grade range, including eligible students currently receiving education services in a nonpublic school setting; and
- (e) Any individual designated by an LEA as authorized personnel.

2303.3 All assessment instruments included in the statewide assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential. Unauthorized access to secure test materials shall be prohibited at all times.

2303.4 Authorized personnel, a school, and an LEA shall comply with the requirements set forth in this chapter throughout the administration of a statewide assessment, including prior to, during, and after the administration of any statewide assessment, and as follows:

- (a) All secure test materials, including all testing materials used to facilitate paper- and computer-based testing, shall be secured under lock and key, or password-protected electronic access, unless another equivalent security measure for electronic secure test materials is utilized;
- (b) An inventory of all secure test materials shall be maintained;
- (c) Obtain, securely maintain and securely distribute testing material;
- (d) Prohibit the unauthorized access to secure testing materials at all times;
- (e) Complying with each assessment’s specific requirements for chain of custody and handling secure materials in the test vendor administration

manuals for statewide assessments, as applicable and set forth in OSSE’s annual test security guidelines issued pursuant to § 2304.1; and

(f) Cooperate and participate in any OSSE investigation pursuant to § 2313.

2303.5 If a conflict exists between a general requirement set forth in this chapter, and a specific requirement set forth in guidance to implement this chapter applicable, the specific requirement shall apply.

**2304 TESTING INTEGRITY AND SECURITY: PRIOR TO THE ADMINISTRATION OF STATEWIDE ASSESSMENTS**

2304.1 Pursuant to D.C. Official Code § 38-2602(b)(20), OSSE shall annually release test security guidelines that may expand on any requirements set forth in this chapter, including:

- (a) Updates to test administration requirements based on statewide assessments administered during that school year;
- (b) Changes to procedures or requirements to ensure test materials are securely maintained and distributed;
- (c) Changes to procedures or requirements to ensure statewide assessments are administered in with fidelity, in a consistent manner and in standardized conditions; and
- (d) Provide lists of prohibited or unapproved electronic devices and materials or references.

2304.2 An LEA shall submit the testing window (start and end dates) for all statewide assessments to OSSE no later than six (6) weeks prior to commencing the first administration of a statewide assessment.

2304.3 Beginning in the 2020-2021 school year, an LEA shall report the following to OSSE by October 30 of the same school year:

- (a) The name of the LEA test integrity coordinator(s); and
- (b) LEA test windows for each statewide assessment.

2304.4 An LEA shall identify and designate staff members to serve in the following authorized personnel roles with responsibilities as specified below:

- (a) One LEA test integrity coordinator for the administration of all assessments, or no more than three (3) LEA test integrity coordinators for each administration of a statewide assessment, who are responsible for

testing integrity and security for the LEA in its entirety during the administration of a statewide assessment and who supervise all of the LEA's test monitors, test administrators, and proctors;

- (b) No more than three (3) school test monitor(s) for each school or campus under the LEA's control who are responsible for creating and implementing all aspects of the school test security plan before, during, and after the statewide assessment at the school or campus site; and for coordinating security, maintaining data integrity within their school or campus, and training all authorized personnel at that site;
- (c) A school technology coordinator to support the school in appropriately implementing computer-based testing by preparing the testing platform and the student and test administrator devices for testing;
- (d) A school special populations coordinator to support the school in appropriately implementing accommodations and accessibility features, to have access to those accommodations and features on all applicable statewide assessments, and to provide training to authorized personnel tasked with providing those accommodations and features to students;
- (e) A nonpublic school test monitor, as applicable, who is responsible for creating and submitting a school test plan for that site and collaborating with LEA test integrity coordinator(s) at each LEA for which the placement serves students to ensure statewide assessments are administered in compliance with all applicable federal and DC laws and regulations; and
- (f) Other authorized personnel as necessary to administer statewide assessments with integrity.

2304.5 An LEA may also designate school-based staff members to serve in the following authorized personnel roles with responsibilities as specified below:

- (a) Test Administrator(s) who are responsible for administering the statewide assessment to students shall:
  - (1) Comply with all the responsibilities and prohibitions of authorized personnel; and
  - (2) Perform all duties assigned by the school test monitor
- (b) Test Proctor(s) who are under the constant and consistent direct supervision of a test administrator or school test monitor which may include volunteers, contractors, or aides, shall, as directed by the school test monitor and test administrator:

- (1) Assist test administrators with classroom management during testing;
- (2) Distribute and collect test materials; and
- (3) Administer accommodations.

2304.6 An LEA shall:

- (a) Ensure the LEA test integrity coordinator(s) participate in the OSSE statewide test security policies and procedures prior to LEA-level training of LEA- and school-level authorized personnel;
- (b) Ensure all authorized personnel whose duties involve test administration are trained in state, LEA, and school requirements, policies and procedures.
- (c) Distribute to all authorized personnel of the LEA, including each school site within the LEA and nonpublic special education schools, the OSSE testing integrity and security notification statement, informing them of the consequences for knowingly and willingly violating laws, regulations, policies, guidance or school test security plan;
- (d) Provide access to secure test materials exclusively to authorized personnel;
- (e) Ensure LEA test site(s) implementing computer-based testing are technology-ready in accordance with the applicable school test security plans submitted to OSSE and test-specific technology requirements;
- (f) Ensure that procedures have been established for maintaining secure assessment technology platforms.

2304.7 Prior to performing any statewide assessment functions, accessing secure test materials, or assisting in the administration of a statewide assessment, authorized personnel shall:

- (a) Receive the OSSE testing integrity and security notification statement, informing them of the consequences for knowingly and willingly violating laws, regulations, policies, guidance or school test security plan; and
- (b) Participate in the required testing integrity and security training delivered by OSSE, the LEA Test Integrity Coordinator, or School Test Monitor.

**2305 TESTING INTEGRITY AND SECURITY: TEST SECURITY PLANS**

2305.1 A school shall create, maintain and submit a school test security plan to LEA.

2305.2 An LEA shall submit to OSSE, in the form and manner set forth by OSSE, a separate Test Security Plan for each respective school or campus within the LEA's control at least fifteen (15) business days before the administration of the first statewide assessment for the school year.

2305.3 A school test security plan shall include the following:

- (a) Procedures for the secure maintenance, dissemination, collection, and storage of statewide assessment materials before, during, and after administering a test, including:
  - (1) Keeping an inventory of all materials and identifying individuals with access to the materials;
  - (2) Accounting for and reporting to OSSE any materials that are lost or otherwise unaccounted; and
  - (3) Accounting for and securing old or damaged materials;
- (b) The name and contact information for the LEA's test integrity coordinator;
- (c) The name and contact information for the test monitors at each school under the LEA's control;
- (d) The name and contact information for all authorized personnel at each school under the LEA's control;
- (e) A list of actions prohibited by authorized personnel beyond the list of examples set forth in § 2312;
- (f) Procedures pursuant to which students, authorized personnel, and other individuals may, and are encouraged to, report irregularities in testing administration or testing security; and
- (g) Written procedures for investigating and remediating any complaint, allegation, or concern about a potential failure of testing integrity and security consistent with the procedures set forth in this chapter.

2305.4 OSSE shall review a school test security plan and either:

- (a) Provide recommendations to amend specific provisions of the test security plan, as necessary and appropriate; or

- (b) Approve a school test security plan least five (5) days before the school begins the first statewide assessment.

2305.5 A school may not begin the administration of a statewide assessment if OSSE has not approved a school's test security plan for that assessment.

2305.6 An LEA shall not add additional assessments to an approved test security plan. Once the plan is approved any additional test security plans for additional assessments must be created separately.

2305.7 OSSE shall maintain a copy of each school's test security plan on file, which shall be made available to a member of the public upon request, in accordance with all federal and local laws and regulations.

**2306 TESTING INTEGRITY AND SECURITY: DURING THE ADMINISTRATION OF STATEWIDE ASSESSMENTS**

2306.1 An LEA shall administer statewide assessments, including monitoring a school(s) under the LEA's control, as prescribed in the appropriate law, regulations, policies, plans and test administration manuals, and in a manner that upholds the integrity of testing and accuracy of the data by preventing any dishonest or fraudulent behavior and promoting a fair and equitable testing environment.

2306.2 A school shall administer statewide assessments as prescribed in the appropriate law, regulations, policies, plans and test administration manuals, and in a manner that upholds the integrity of testing and accuracy of the data by preventing any dishonest or fraudulent behavior and promoting a fair and equitable testing environment.

2306.3 An LEA shall ensure that school(s) and authorized personnel follow the process for resolving technical difficulties outlined in test administration manuals or any relevant guidance, and report computer-based/online difficulties that impact test administration.

2306.4 The testing environment shall comply with the provisions set forth in this chapter and any additional guidance issued by OSSE annually pursuant to § 2304.1.

2306.5 To the extent a student can see, hear, or access, including via technology, during testing, the testing environment includes the following:

- (a) Hallways, stairwells, and bathrooms;
- (b) Surfaces, including permanent or temporary fixtures, or projections;
- (c) Equipment;



- (d) Furniture;
  - (e) Posters, signs, wall art, blackboards, whiteboards or electronic message boards, and the writing and/or content thereon;
  - (f) Lighting; and
  - (g) Music, sounds or announcements projected.
- 2306.6 Authorized personnel shall designate an area(s) for administering the statewide assessment to students in tested grades.
- 2306.7 In the exceptional circumstance in which an individual student cannot be tested at the designated location, OSSE may require a site visit, demonstration, or memorandum of agreement as conditions for approval of the alternate location.
- 2306.8 A school shall ensure that student seating arrangements, regardless of the number of students testing in one session, allow students who are engaged in active testing to test independently without distraction or violation of test security.
- 2306.9 Any information regarding the content being assessed or test-taking strategies (including word walls and multiplication tables) is prohibited in the testing environment and shall be removed or covered prior to the first day of the statewide assessment administration and remain removed or covered for the duration of active statewide assessment.
- 2306.10 Test administrators shall adhere to the test administrator manuals as follows:
- (a) Test administrators shall read the scripts word-for word aloud the first time through;
  - (b) Test administrators may repeat scripted directions as many times as needed while delivering the script;
  - (c) If students ask for portions of the script to be re-read or clarified, test administrator may do so for the whole testing group;
  - (d) Test administrators shall only announce aloud the time updates specified in the assessment-specific test administrator manual, but may provide written updates at any additional time intervals.
- 2306.11 Test administrators and proctors may not engage in activities that prevent proper student supervision at all times while secure test materials are still distributed or while students are testing, such as grading papers, reading a book, newspaper, or magazine.

- 2306.12 Accommodations for eligible student(s) shall be explicitly identified in the following:
- (a) A student's Individualized Education Program (IEP) developed under Individuals with Disabilities Education Act, effective April 13, 1970, as amended (Pub. L. 91-230; 84 Stat. 191; as codified at 20 USC §§ 1400 *et seq.*) and the District of Columbia special education regulations;
  - (b) A student's plan developed under Section 504 of the Rehabilitation Act of 1973 (Section 504 plan); or
  - (c) A student's approved accommodation plan for an English Language Learner (ELL) as required in the Elementary and Secondary Education Act.
- 2306.13 The use of unapproved electronics by students, test administrators, and proctors shall be prohibited during the administration of a statewide assessment, unless the use is identified as an accommodation for an eligible student as set forth in § 2306.11.
- 2306.14 During the administration of paper-based tests, no cell phones may be in the testing environment by any individual at any point during testing.
- 2306.15 During the administration of computer-based tests, LEA test integrity coordinators, school test monitors and school technology coordinators may use cell phones for the sole purpose of coordinating technical support if it is necessary for a student to complete a test.
- 2306.16 Acceptable actions to support students to stay on task and focused, and that do not impact the content of students' answers shall be set forth in OSSE annual guidance issued pursuant to § 2304.1.
- 2306.17 Individual statewide assessments may permit additional support materials, which will be specified in the testing manual if permitted. In the event that additional support materials are permitted:
- (a) Additional support materials shall be located in a pre-determined location in the testing room; and
  - (b) School test monitors or test administrators shall ensure that the additional support materials are appropriate for testing prior to testing.

**2307 TESTING INTEGRITY AND SECURITY: EXCEPTIONS OR SPECIAL CIRCUMSTANCES DURING ADMINISTRATION OF STATEWIDE ASSESSMENTS**

- 2307.1 In addition to the exceptions and special circumstances set forth in this Section, OSSE may issue additional guidance annually to set forth further specialized instructions pursuant to § 2304.1.
- 2307.2 A school may provide administrative considerations regarding a student's testing environment for any student that may need such considerations if the school sets forth the administrative consideration in the manner and form set forth by OSSE.
- 2307.3 Students who are absent for any session that they have yet to begin of the statewide assessments may make up the test(s) during the testing window and in accordance with the specific days and times identified by the school in their OSSE approved School Test Security Plan.
- 2307.4 Students without an extended time accommodation may not receive extra time outside of the testing time limits for behavioral issues that impact testing.
- 2307.5 Students are not allowed to return to a testing session which they have exited after its initiation except in exceptional circumstances as individually approved and documented in writing by OSSE.
- 2307.6 The school may apply to OSSE for student exemption from testing, using the OSSE provided [Medical Exemption Form](#), if the student has a significant medical emergency, an accident, trauma, or illness (mental or physical) that has been determined by a licensed physician to preclude a student from taking all or part of a statewide assessment. The form shall be submitted to OSSE no later than ten (10) business days after the last day of the statewide assessment window.
- 2307.7 If there is a school-wide emergency requiring evacuation the school shall:
- (a) Follow the LEA/school-wide emergency protocol;
  - (b) Secure assessment materials only after student safety has been assured; and
  - (c) The test monitor or designee shall complete an incident report and submit to the LEA test integrity coordinator(s) and OSSE.
- 2307.8 Homebound or hospital-tutored students enrolled in public education in the District of Columbia must participate in statewide assessments, administered by a trained test administrator. When circumstances make it impossible to test the student at the school, the school test monitor must work with the LEA test

integrity coordinator(s) to determine how the student will participate in the statewide assessment and notify OSSE in the school test security plan.

- 2307.9 Home-schooled students' participation on the statewide assessment is voluntary. Parents and/or legal guardians implementing homeschooling programs and who wish to take part in the statewide assessment shall notify their LEA assessment coordinator to facilitate test registration and inclusion in testing plans in accordance with the LEA's policy for statewide assessment registration.
- 2307.10 All eligible public school students receiving temporary instruction at a program or alternative school other than the school to which they are regularly enrolled shall participate in statewide assessments. Students in alternative settings may take the assessments at the schools in which the students are currently enrolled, their home, or at alternate testing sites approved by the LEA test integrity coordinator(s) and OSSE.
- 2307.11 LEAs must ensure that all eligible students enrolled at their LEA and schools subject to their control participate in statewide assessments, including students in nonpublic settings. Each nonpublic school or program shall adhere to the Testing Integrity Act and the following requirements:
- (a) Ensure that every District of Columbia student enrolled in a nonpublic special education school or program is appropriately included in the statewide assessment system or alternate assessment approved by OSSE;
  - (b) Ensure that statewide assessments are administered according to federal and state law, regulations, and state policy regarding test;
  - (c) Comply with all federal and state law, regulations, and policy regarding testing and testing integrity;
  - (d) Comply with all LEA and school level requirements outlined in this document;
  - (e) Create and maintain a school test security plan for their site as outlined above;
  - (f) Work closely with the LEA to ensure that the nonpublic school test security plan is integrated, reviewed, and approved by the LEA test integrity coordinator(s) at students' LEAs of enrollment;
  - (g) Maintain documentation showing that District of Columbia students completed the statewide assessment;
  - (h) Provide any requested statewide testing documentation to referring LEA and/or OSSE upon request;

- (i) In the event that there is a test security, irregularity, or data integrity issue, the nonpublic school or program must contact OSSE and the LEA test integrity coordinator(s) at the student(s)' LEA(s) of enrollment; and
- (j) In an exceptional circumstance in which an individual student cannot be tested at the designated location, OSSE may require a site visit, demonstration, and/or memorandum of agreement as conditions for approval of the alternate location.

2307.12 The following students shall be tested in a one-on-one setting or in a small group with only students receiving the same accommodation:

- (a) Students receiving accommodations that require student speaking (*e.g.*, student reads aloud to themselves);
- (b) Students receiving a human reader accommodation in a small group setting with only students receiving the human reader accommodation, if the testing environment is set up so that no other students may hear any other student responses; and
- (c) Students receiving the human scribe accommodation.

**2308 TESTING INTEGRITY AND SECURITY: AFTER THE ADMINISTRATION OF STATEWIDE ASSESSMENTS**

2308.1 At the end of each administration of a statewide assessment, the school shall return or dispose of all secure and non-secure test materials following procedures outlined in the appropriate testing manuals, regulations, policies and guidance, and the test security plan.

2308.2 At the end of each administration of a statewide assessment, the LEA Test Coordinator(s) and School Test Monitor(s) shall sign the Testing Integrity and Security Affidavit within ten (10) business days attesting that to the best of his or her knowledge or belief, the LEA and/or school complied with all applicable laws, regulations, policies and guidance, including the Test Security Plan.

2308.3 A school shall submit the Test Integrity and Test Security Affidavit forms for each school monitor to the LEA test integrity coordinator(s) within ten (10) business days after the conclusion of the last statewide assessment.

2308.4 After the conclusion of each administration of a Statewide assessment, LEAs shall ensure the following:

- (a) Within ten (10) business days after the conclusion of each statewide assessment, the LEA Test Coordinator shall obtain signed, under penalty

of law, affidavits from the LEA's test integrity coordinator(s) and each of the LEA's school test monitors attesting that, to the best of his or her knowledge or belief, the LEA or school complied with all applicable laws, regulations, policies and guidance, including the test security plan; and

- (b) Within fifteen (15) business days after conclusion of each statewide assessment, the LEA Test Coordinator shall file with OSSE the affidavit provided by OSSE affirming compliance with all applicable laws, regulations, policies and guidance, and the test security plan.

**2309****TESTING INTEGRITY AND SECURITY: RECORD KEEPING**

## 2309.1

An LEA shall maintain a record of the following items for each school under their control for a minimum of four (4) years:

- (a) OSSE-approved Test Security Plan(s);
- (b) Identification of LEA and school authorized personnel;
- (c) Attendance sheets for testing integrity and security training sessions;
- (d) Copies of each Testing Integrity and Security Notification Statement;
- (e) Executed LEA and School Test Monitor testing integrity and security affidavits;
- (f) Documentation of testing irregularities;
- (g) Documentation of testing integrity and security investigations;
- (h) Documentation of damaged, missing, and misplaced test materials;
- (i) Copies of LEA Plan to Improve School Test Security Policies and Procedures and OSSE-approved LEA Corrective Action Plan(s);
- (j) Documentation of the implementation of OSSE sanctions;
- (k) Parent Notification letters;
- (l) Test Materials Chain of Custody Forms;
- (m) Incident reports;
- (n) During Testing Notes, including minor deviations from school plan; and
- (o) Plans to improve school policies and procedures, if applicable.

- 2309.2 A school shall maintain hard copy Test Security File for a period of four (4) years, which includes at a minimum:
- (a) School Test Security Plan;
  - (b) Test Security Training Attendance for Authorized Personnel;
  - (c) Parent Notification letter;
  - (d) Test Materials Chain-of-Custody Forms;
  - (e) Incident Reports;
  - (f) During Testing Notes, including minor deviations from school plan; and
  - (g) Plans to Improve School Policies and Procedures, as necessary.

2309.3 An LEA or school may also maintain electronic files in addition to the required hard copy.

**2310 TESTING INTEGRITY AND SECURITY: TRAINING AND TECHNICAL ASSISTANCE; MONITORING**

2310.1 An LEA may request that OSSE provide technical assistance to an LEA or school regarding testing integrity and security procedures.

2310.2 An LEA shall also monitor the administration of statewide assessments to ensure that applicable federal and local assessment law, regulations, policies, plans, and manuals are being followed.

2310.3 OSSE may provide technical assistance to a school or LEA at any time regarding testing integrity and security procedures, including real-time assistance and expertise to respond to potentially critical incidents.

2310.4 In order to ensure the security and proper administration of the statewide assessment, OSSE may conduct announced and unannounced on-site and desktop monitoring visits at any school or LEA to observe the procedures followed during test administration.

2310.5 OSSE may enter testing rooms to observe students and test administrators directly to specifically observe whether:

- (a) Materials are stored properly;
- (b) Test administrators are administering tests appropriately; or

(c) The testing environment is secure.

2310.6 OSSE may audit statewide assessment administration procedures at randomly selected schools and at targeted schools to ensure adherence to all applicable laws, regulations, and policies.

2310.7 OSSE may use a variety of commonly accepted statistical and audit procedures to:

(a) Review and audit both test score data and individual test documents for any anomalies; or

(b) Audit vendor testing records to ensure appropriate test participation and administration procedures are followed.

### **2311 TESTING INTEGRITY AND SECURITY: REQUIRED REPORTING**

2311.1 Authorized personnel shall notify OSSE as soon as the LEA or school becomes aware of any alleged or suspected violation of the security or confidential integrity of a statewide assessment via OSSE's Incident Reporting system or process.

2311.2 An LEA shall, in a timely manner, report all testing irregularities to the Test Monitor, Test Integrity Coordinator, or OSSE as appropriate and consistent with the standards, policies, and Statewide requirements for testing integrity and security.

2311.3 Authorized personnel shall follow the process for resolving technical difficulties outlined in test manuals and any relevant guidance, and report computer-based or online difficulties that impact test administration.

2311.4 All technical problems and delays which significantly impact the administration of the assessment shall be reported and documented by the test monitor as an incident through the incident reporting system.

2311.5 Individuals may report irregularities directly to OSSE in person, by phone or online via OSSE's Online Incident Reporting Form.

2311.6 Any person who witnesses, or believes, that a test security violation occurred must report it as soon as possible but no later than twenty-four (24) hours after the alleged violation occurred. Potential violations may be reported directly to the school test monitor or the LEA test integrity coordinator(s); to OSSE's Division of Data, Assessment, and Research (DAR); anonymously to the test integrity coordinator, or anonymously online using the OSSE Incident Report Form. LEA test integrity coordinator(s) shall submit any alleged test security violations to OSSE.



**2312 TESTING INTEGRITY AND SECURITY: VIOLATIONS**

2312.1 A violation is any incident or action, intentional or otherwise, that breaches the security or threatens the integrity of the statewide assessment results, that includes the following, as defined herein:

- (a) Breach;
- (b) Cheating;
- (c) Compromise;
- (d) Impropriety;
- (e) Irregularity;
- (f) Misconduct; or
- (g) Test Piracy.

2312.2 Examples of violations include the following:

- (a) Incomplete or missing test documents;
- (b) Inconsistencies in the application of administration procedures;
- (c) Misinterpretation of requirements in the Test Coordinator/Administrator Manuals not related to test tampering or academic fraud;
- (d) Failure to report certain types of incidents;
- (e) Failure to provide appropriate accommodations or providing accommodations to students who are not eligible;
- (f) Failure to distribute or collect Non-Disclosure Agreements;
- (g) Educator coaching;
- (h) Providing students with answers;
- (i) Allowing student(s) use of calculators or other technology when prohibited, or providing unauthorized accommodations, unless otherwise permitted;
- (j) School- or LEA-level coordination of educator coaching;

(k) School-wide test fraud; or

(l) Test tampering.

2312.3 An incident or action by an authorized personnel shall not be considered a violation if the action meets one of the following exceptions:

(a) The action was necessary to provide for an accommodation that is identified as an accommodation for an eligible student as set forth in § 2306.11; or

(b) The action was considered an acceptable action pursuant to § 2306.14 that was limited to supporting students to stay on task and focused and did not impact the content of students' answers.

### **2313 TESTING INTEGRITY AND SECURITY: INVESTIGATIONS**

2313.1 An LEA shall cooperate and participate in any OSSE investigation.

2313.2 Upon its own initiative, or upon receipt of information alleging violation(s) of any applicable law, regulation, or policy relating to testing integrity and security, OSSE may conduct an investigation, in accordance with the relevant provisions of this Chapter, to ensure that assessment results are valid and trustworthy or to determine whether a violation occurred.

2313.3 Investigations may be conducted by an entity authorized by OSSE.

2313.4 OSSE may initiate an investigation as necessary, including during or after the administration of the statewide assessments.

2313.5 An LEA shall ensure that all relevant LEA and school staff designated as authorized personnel are made available to cooperate and participate in the investigation.

2313.6 An LEA shall access and use the internet-based test security incident management platform provided by OSSE or an OSSE designee for the purposes of completing the LEA inquiry component of the investigation.

2313.7 OSSE shall initiate an investigation if:

(a) OSSE identifies egregious noncompliance; or

(b) OSSE receives a report or complaint alleging a violation of the laws, regulations, and policies relating to testing integrity and security.

- 2313.8 OSSE may initiate an investigation in other circumstances, including:
- (a) Several or severe “monitoring” visits during testing administration;
  - (b) An LEA conducted their own investigation instead of immediately reporting any concerns or potential violations to OSSE;
  - (c) Significant statistical anomalies were detected in the test response data of one or more groups of students in the school;
  - (d) Data forensics identifying unusual changes in scores, year to year;
  - (e) Patterns of inappropriate assessment practices that occur over time;
  - (f) Information derived as a result of social media monitoring for potential violations;
  - (g) Receipt by OSSE of incident reports, support tickets, or training issues;
  - (h) Observation of a violation prior to, during or after the administration of a Statewide assessment through a review of test administration practices;
  - (i) Irregularity reports;
  - (j) Media monitoring that indicate a breach of security;
  - (k) Monitoring reports prepared by OSSE or OSSE designees; or
  - (l) Random identification.

**2314 TESTING INTEGRITY AND SECURITY: INVESTIGATION PROCESS**

- 2314.1 An investigation to ensure that assessment results are valid and trustworthy or to determine whether a violation occurred may include the following two phases:
- (a) An LEA inquiry, in the form and manner set forth by OSSE or OSSE’s designee, which includes the following:
    - (1) Document Collection: An LEA shall collect the documents requested by OSSE and if any of the required documents are not provided, the LEA fact finders shall provide a written explanation;
    - (2) Interviews with the following, as applicable:
      - (A) School test coordinator;

- (B) Special Populations (accommodations) coordinator;
  - (C) Technology coordinator;
  - (D) Student(s), if applicable;
  - (E) Proctor(s); and
  - (F) Test administrator(s); and;
- (b) An OSSE review, which includes but is not limited to the following:
- (1) Comprehensive examination of the documents, data, information, and evidence provided through the LEA inquiry;
  - (2) Collection and review of additional relevant documents, as necessary;
  - (3) Review of any OSSE records that may be relevant to the investigation; and
  - (4) Determination of whether a violation occurred.
- 2314.2 If there is an allegation of a violation that involved school- or LEA-level coordination or participation, the investigation shall not include an LEA inquiry phase, unless otherwise approved by OSSE. OSSE, or an OSSE designee will collect the documents and conduct the interviews.
- 2314.3 Once OSSE has determined an investigation is necessary, OSSE shall inform the LEA, in writing, that OSSE is initiating an investigation as follows:
- (a) State the circumstance(s) that triggered the investigation;
  - (b) Identify the following information, as applicable to the investigation:
    - (1) The school(s) to be investigated;
    - (2) The grade level(s) and subject(s);
    - (3) The assessment under investigation;
    - (4) Relevant details regarding the administration of the assessment under investigation; and
    - (5) The student(s), proctor(s), and test administrators(s).

- 2314.4 During the LEA inquiry phase of the investigation, the LEA shall:
- (a) Designate two (2) LEA employees as the LEA factfinders, neither of whom shall have served a direct role in the oversight of testing integrity and security at the school or LEA, including members of the LEA or school assessment team;
  - (b) Submit the names, titles, and contact information of the LEA factfinders to OSSE within two (2) business days;
  - (c) Ensure the LEA factfinders complete any training required by OSSE to conduct the LEA inquiry; and
  - (d) Conduct the LEA inquiry in the form and manner set forth by OSSE or OSSE's designee.
- 2314.5 At any time during the LEA inquiry, OSSE may request additional information in the form of documents or interviews, as needed, upon reviewing the data and evidence submitted by an LEA. An LEA shall respond to OSSE's request within two (2) business days.

**2315 TESTING INTEGRITY AND SECURITY: CONSEQUENCES FOR VIOLATIONS**

- 2315.1 Any individual person, school or LEA may be subject to the penalties and sanctions set forth in this section if, based upon the investigation, OSSE finds a violation of security, confidentiality or integrity of any statewide assessment administered pursuant to § 2312.
- 2315.2 If OSSE finds that a violation occurred, OSSE shall evaluate the violation and determine the most appropriate sanction(s) based on severity and precedent, taking into account the following:
- (a) The seriousness of the violation;
  - (b) The extent of the violation;
  - (c) The role the individual played in the violation;
  - (d) The LEA leadership's involvement;
  - (e) How and when the violation was reported to OSSE; and
  - (f) The action taken by the LEA since the violation was reported to OSSE.

- 2315.3 When a sanctionable violation is issued against an LEA or school, OSSE shall issue the following sanctions to an LEA or school:
- (a) The payment of any expenses incurred by OSSE as a result of the violation, including the costs associated with developing, in whole or in part, a new assessment;
  - (b) An administrative fine of not more than ten thousand dollars (\$10,000) for each violation; and
  - (c) The invalidation of test scores.
- 2315.4 An individual who knowingly and willfully violates, assists in the violation of, solicits another to violate or assist in the violation of, or fails to report a violation of the Testing Integrity Act, the OSSE Test Integrity Guidelines, the school test security plan, or other test integrity policy or procedure, shall be subject to sanctions, which shall include:
- (a) Denial, suspension, revocation, cancellation, or restrictions of the issuance or renewal of a teaching or administrative credential or teaching certificate issued by OSSE, or both, for a period of not less than one (1) year;
  - (b) Payment of expenses incurred by the LEA or OSSE as a result of the violation; and
  - (c) An administrative fine, not to exceed one thousand dollars (\$1,000) for each violation.
- 2315.5 If OSSE finds that a non-sanctionable violation occurred, OSSE may issue the following consequences:
- (a) Invalidation of student(s) test results;
  - (b) Stopping testing;
  - (c) Voiding test score(s);
  - (d) Additional training; or
  - (e) Other method of corrective action as determined by OSSE.
- 2315.6 Regardless if OSSE finds a violation occurred, OSSE may require the LEA to demonstrate compliance with a corrective action plan to address any irregularities or concerns found during an investigation that includes the specific strategies, processes, school-level protocols (additional trainings, supporting materials, LEA

monitoring of schools, etc.) that the school or LEA will take to ensure valid and secure administration in the following year.

2315.7 Consequences imposed by OSSE do not limit an LEA's authority to impose its own sanctions up to and including termination of LEA or school employee(s).

2315.8 OSSE shall provide written notification of the finding and an opportunity for review, as specified in this Protocol, as follows:

- (a) Notice of Finding of No Violation shall:
  - (1) State that OSSE investigation determined that a violation did not occur; and
  - (2) Offer technical assistance or a corrective action plan to avoid potential investigations in the future.
- (b) Notice of Finding of Non-Sanctionable Violation shall:
  - (1) State the violation; and
  - (2) Notify that they have thirty (30) days from the date the written notification is issued to request a reconsideration of the finding of non-sanctionable violation.
- (c) Notice of Finding of Violation and Issuance of Sanction to an LEA shall:
  - (1) State the violation; and
  - (2) Notify that the LEA has ten (10) calendar days from the date the written notification is issued to request an administrative review of the sanctionable finding.
- (d) Notice of Finding of Violation and Issuance of Sanction to an individual shall:
  - (1) State the violation;
  - (2) Notify that the individual has ten (10) calendar days from the date the written notification is issued to request an administrative review of the sanctionable finding; and
  - (3) Provide notice to school and LEA leadership.

**2316 TESTING INTEGRITY AND SECURITY: RECONSIDERATION OF A FINDING OF NON-SANCTIONABLE VIOLATION**

- 2316.1 An LEA or school may request reconsideration of the “Notice of the Finding of Non-Sanctionable Violation(s)” (Non-Sanctionable Notice) within thirty (30) calendar days of the date of the Non-Sanctionable Notice.
- 2316.2 A written request for reconsideration shall be submitted to OSSE in the form and manner set forth by OSSE and shall, at minimum, include the following:
- (a) A concise statement of facts that describe events resulting in the non-sanctionable finding;
  - (b) The specific basis for contesting the non-sanctionable finding;
  - (c) The specific relief requested; and
  - (d) Two (2) copies of all documentary evidence supporting the recipient's positions.
- 2316.3 If the request for reconsideration is based in whole or in part on new or additional evidence, the written request shall demonstrate that the new or additional evidence is relevant and material, and explain why the new or additional evidence was not reasonably available prior to the issuance of the Non-Sanctionable Notice.
- 2316.4 Upon receipt of the request, the State Superintendent, or the State Superintendent’s designee, shall review the LEA’s request or may delegate the matter to be reviewed by an OSSE employee who has not had any direct involvement or participated in the investigation, the determination of a violation, or the issuance of non-sanctionable finding.
- 2316.5 The deciding official shall deny a request for reconsideration if, based on the totality of circumstances, the deciding official finds:
- (a) OSSE properly issued the Non-Sanctionable Notice in the manner set forth in this Protocol;
  - (b) No significant or material departure from this Protocol occurred during the investigation;
  - (c) The finding of non-sanctionable violation(s) is substantially supported by the information and facts determined through the investigation;
  - (d) The new or additional evidence is not relevant and material; or



(e) The new or additional evidence was reasonably available.

2316.6 The deciding official may remand the finding to OSSE's assessments team to conduct a new investigation or other appropriate action if, based on the totality of circumstances, the deciding official finds:

(a) OSSE failed to properly issue the Non-Sanctionable Notice in the manner set forth in this Protocol;

(b) Significant or material departure from testing integrity and security protocol occurred during the investigation that substantively impacted the findings;

(c) New or additional evidence has been discovered that previously was not reasonably available and that is relevant and material to a finding of a non-sanctionable violation; or

(d) A member of the investigation team had a conflict of interest or other ethical breach, which substantively affected the integrity of the investigation.

2316.7 The deciding official's decision granting, denying, or remanding the request for reconsideration of the Non-Sanctionable Notice shall be in writing and shall be the final agency decision.

**2317 TESTING INTEGRITY AND SECURITY: ADMINISTRATIVE REVIEW OF A FINDING OF SANCTIONABLE VIOLATION**

2317.1 Any individual, school, or LEA aggrieved by a "Notice of Finding of Sanctionable Violation and Issuance of Sanction" (Sanction Notice) may obtain a review of the final decision by timely filing a written request for administrative review with the Office of Administrative Hearings (OAH), established pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code, §§ 2-1831.01 *et seq.*), or OAH's successor.

2317.2 The written request for administrative review shall be filed with OAH no later than ten (10) calendar days from the date of the Sanction Notice.

2317.3 The written request for administrative review shall include the following:

(a) The type and effective date of the sanction imposed;

(b) The name, address, and telephone number of the aggrieved party or the aggrieved party's representative;

- (c) A copy of the Sanction Notice;
- (d) A statement as to whether the aggrieved party or anyone acting on his or her behalf has filed for administrative review or appeal under any negotiated review procedure pursuant to a collective bargaining agreement, or has filed a complaint with any other agency;
- (e) The identity of the collective bargaining unit, if any, of which the aggrieved party is a member;
- (f) A concise statement of the facts giving rise to the request for administrative review;
- (g) An explanation as to why the aggrieved party believes OSSE’s issuance of sanctions was unwarranted and the submission of any supporting documentation;
- (h) A statement of the specific relief the aggrieved party is requesting; and
- (i) The signature of the aggrieved party and his or her representative.

2317.4 If the aggrieved party is a member of a collective bargaining unit, he or she may choose between the negotiated grievance process set forth in a collective bargaining agreement or the administrative review process set forth in this Protocol.

2317.5 If a request for administrative review is not filed with OAH within ten (10) days, the Sanction Notice shall become OSSE’s final administrative decision.

2317.6 If a request for administrative review is filed timely, the final OAH decision shall thereafter constitute OSSE’s final administrative decision, and shall be subject to the applicable statutes and rules of judicial review for OAH final orders.

2317.7 Any person(s) aggrieved by a final decision of OAH may appeal the decision to the District of Columbia Court of Appeals pursuant to Section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

**2399 DEFINITIONS**

2399.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Breach** – An event, intentional or not, that results in the inappropriate exposure of test items or answers that could potentially impact the accuracy of the test results; or an action by others before, during, or after a test administration

to impact student test scores (*e.g.*, educators changing student answer sheets).

**Cheating** – General term that can include educator or student misconduct or improprieties that includes intentional misbehavior or unethical practices.

**Compromise** – Disclosure of test items or forms; can be intentional or unintentional. May also refer to changing the interpretation of a test score or changing the test score itself.

**Impropriety** – Inappropriate misconduct; a more serious offense than an irregularity. The difference between impropriety and irregularity is usually defined in perception of the degree, intent, and/or effect of the misconduct.

**Invalidation** – The act of omitting test results and student responses from the testing, reporting, and accountability systems for a given testing event for which the student may not retest.

**Irregularity** – This includes many different activities, not necessarily cheating, but anything unusual that happened during testing, such as the fire alarms went off or a power outage.

**Misconduct** – Misbehavior during testing, such as inappropriate proctoring or other violations of standard testing protocol.

**OSSE** – the Office of the State Superintendent of Education.

**Secure Materials** - as defined in D.C. Official Code § 38-2602(b)(20)(O)(iii-I), test materials that might contain or provide access to assessment content, such as information about test questions or answers, including test questions, passages, or performance tasks, answer documents, and used scratch paper.

**Statewide Assessment** – Districtwide assessment as defined in D.C. Official Code § 38-771.01(2).

**Test Administrator Manual** - An assessment-specific and vendor-developed manual published and shared with LEAs and schools by OSSE, which provides required instructions applicable to Test Administrators necessary for the administration of the assessment, as well as the procedures and protocols for completion before, during, and after test administration and which also contains high-level protocols required for test security and test administration.

**Test Monitor** – A specialized type of Authorized Personnel who is responsible for testing integrity and security at each individual school subject to the LEA’s control during the administration of a Statewide assessment.

**Test piracy** – Stealing of test forms, items, prompts, or other secure testing materials, often for the purpose of selling the materials to others.

**Test Items** – All secure test materials including but not limited to: test questions, test prompts, passages, and the layout of the Statewide assessment.

**Test Materials** - Secure or non-secure documents for purposes of the administration of a Statewide assessment.

**Testing environment** -- Includes, but is not limited to, the testing room, hallways, stairwells, and bathrooms where testing students travel during testing sessions.

**Testing window** --The particular date(s) and time(s) scheduled for an individual testing group to take a specified Statewide assessment or portion thereof.

**Unapproved electronics** – Any technological device not used by a student, test administrator or proctor to take or administer a statewide assessment.

All persons desiring to comment on the subject matter of this advanced notice of 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](mailto:ossecomments.proposedregulations@dc.gov); or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Tiffany Oates re: ANPR Testing Integrity, 1050 First Street, N.E. Third 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](http://www.osse.dc.gov).

**DEPARTMENT OF MOTOR VEHICLES**  
**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (Director), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)); Sections 6, 7, 10a and 13 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03, 50-1401.01, § 50-2201.05a and 50-1403.01 (2014 Repl.)); Mayor's Order 2002-72, dated April 3, 2002, and Mayor's Order 2016-077, dated May 2, 2016 hereby gives notice of the intent to amend the following rules that amend Chapter 3 (Cancellation, Suspension, or Revocation of Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking repeals the assessment of twelve (12) points for a drinking and driving offense, modifies the terms of participation in the ignition interlock program for most individuals convicted of or found administratively liable for a drinking and driving offense and updates requirements for ignition interlock device providers.

The Director of the Department of Motor Vehicles hereby gives notice of intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

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

**Chapter 3, CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES, is amended as follows:**

**Section 301, MANDATORY REVOCATIONS, is amended as follows:**

**The lead-in language to Subsection 301.1 is amended to read as follows:**

301.1           The Director shall revoke the license of any person upon receiving a record of such person's conviction or administrative action by the Director resulting from the occurrence of any of the following offenses:

**Section 303, ESTABLISHMENT OF A POINT SYSTEM, is amended as follows:**

**Subsection 303.2 is amended by repealing paragraphs (m), (n) and (r).**

**Section 306, PERIOD OF SUSPENSION OR REVOCATION, is amended as follows:**

**Subsection 306.4 is amended to read as follows:**

306.4           The minimum revocation period following a first offense of any resident's or non-resident's driver license or privilege to operate a motor vehicle in the District for which revocation is made mandatory by law or under the discretionary authority

of the Department shall be for six (6) months. For District of Columbia licensees, the minimum revocation period may also include any extension imposed pursuant to section 10a of The District of Columbia Traffic Act, 1925 approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05a), or § 311.

**Subsection 306.5 is amended to read as follows:**

306.5 The period of revocation made mandatory by law or under the discretionary authority of the Department of any resident's driver license or non-resident's privilege to operate a motor vehicle in the District of Columbia shall be one (1) year following a second offense, and two (2) years following a third or subsequent offense(s). For District of Columbia licensees, the minimum revocation period may also include any extension imposed pursuant to Section 10a of The District of Columbia Traffic Act, 1925 approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05a) or § 311.

**Subsections 306.6, 306.7, 306.12 and 306.13 are repealed.**

**Section 311, IGNITION INTERLOCK PROGRAM, is amended as follows:**

**Subsection 311.1 is amended to read as follows:**

311.1

- (a) [REPEALED.]
- (b) Unless an individual's license is revoked pursuant to Section 10a(d)(2) of The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05a(d)(2)), a person must remain in the ignition interlock program ("program") throughout the revocation period imposed, and for any additional time imposed by the Director pursuant to § 311.15(b).
- (c) If a person's license is revoked pursuant to D.C. Official Code § 50-2201.05a(d)(2), the individual may apply for reinstatement to the program under the terms set forth in this section.
- (d) If an individual has a restricted, suspended or revoked license issued by another jurisdiction for the same or similar offense as set forth in this section and applies for a District of Columbia license, that person may apply to enter the program under the terms set forth in this section.
- (e) The decision of the Director to deny an application by an individual with a restricted, suspended or revoked license issued by another jurisdiction for the same or similar offense as set forth in this section or a person's license which has been revoked pursuant to D.C. Official Code § 50-2201.05a(d)(2) is not subject to a hearing or other administrative review.

**Subsection 311.3 is amended to read as follows:**

311.3

- (a) A District of Columbia driver licensee, upon having been convicted pursuant to Sections 3b, 3c or 3e of the Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code §§50-2206.11, 50-2206.12 and 50-2206.14), or the Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C. Law 5-184; D.C. Official Code § 50-1001(IV)(a)(2)), or having the license revoked or pending revocation for driving while the person is intoxicated as defined by D.C. Official Code § 50-2206.01(9), or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor under Section 13(a) of The District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1125; D.C. Official Code § 1403.01(a)) must apply for participation in the program on a form provided by the Director. Failure to apply and enter the program shall result in revocation of the driver license until the person enters the program and suspension of the registration of any motor vehicle in the name of the person.
- (b) An individual shall have thirty (30) days from the time of written notice sent by the Department of the requirement to enter the program as well as obtain a restricted license, otherwise that person’s license shall be revoked.

**Subsection 311.4 is repealed.**

**Subsection 311.5(d) is amended by striking the word ‘revocation’ and inserting the word “consenting to and authorizing the suspension” in its place so that it reads as follows:**

311.5

...

- (d) A release form approved the Director and signed by all persons identified in response to (c), consenting to and authorizing the suspension of their vehicle's registration should the applicant withdraw or be terminated from the program.

**Subsection 311.6 is repealed.**

**Subsection 311.7 is amended to read as follows:**

311.7

Upon satisfaction of all other prerequisites and the payment of the applicable fees, the applicant will receive a restricted license. The license restrictions will prohibit him or her from driving any vehicle other than those identified in the application and only if the vehicles remain equipped with properly functioning

ignition interlock devices. The Director may impose such other conditions as he or she deems appropriate to further the purposes of the ignition interlock program.

**Subsection 311.8 is by striking the phrase “No later than thirty (30) days after the date on which the application was granted, and every thirty (30) days thereafter” and inserting the phrase “Every thirty (30) days after installation of the device” in its place, so that the subsection reads as follows:**

311.8 Every thirty (30) days after installation of the device, the vehicle(s) identified in the application shall be brought to the service center identified in the application for servicing to include downloading of information from the device. If the service center is closed on the date on which service is required, the vehicle shall be brought for service on the next business day.

**Subsection 311.9 is amended by striking the phrase “a one-time exemption” and inserting the phrase “an extension” in its place so that the subsection reads as follows:**

311.9 The Director, in his or her discretion, may grant an extension to the servicing requirement established in § 311.8 upon a written request and for good cause shown.

**Subsection 311.13(a) is amended to by striking the phrase “or driving privilege” so that it reads as follows:**

311.13  
(a) Receives a suspension, revocation, or cancellation of his or her restricted driver license;

**Subsection 311.13(b) is amended by striking the phrase “Has the ignition interlock device installed in a” and inserting the phrase “Operates a” in its place so that it reads as follows:**

311.13  
(b) Operates a vehicle with an expired or invalid registration;

**The second paragraph (d) of Subsection 311.13 is amended by striking the phrase “(d)” and adding the phrase “(d-1)” in its place, so that it reads as follows:**

311.13  
...  
(d-1) Operates a vehicle with knowledge that the ignition interlock device is not functioning properly and accurately;



**Subsection 311.13(f) is amended by striking the number “0.025” and inserting the number “0.020” in its place so that it reads as follows:**

311.13

...

- (f) Attempts to start or operate a vehicle with a breath alcohol concentration greater than 0.020 percent, as measured by the ignition interlock device, unless there is a subsequent breath alcohol concentration reading below 0.020 percent within five (5) minutes thereafter;

**Subsection 311.13(k) is amended by adding the phrase “including but not limited to the form SR-22 customarily used by the insurance industry” after the word “responsibility”, so that it reads as follows:**

311.13

...

- (k) Fails to maintain proof of financial responsibility, including, but not limited to, the form SR-22 customarily used by the insurance industry;

**Subsection 311.13 is amended by adding paragraphs (n) and (o) to read as follows:**

311.13

..

- (n) Fails to complete any requirements imposed by the Director to further the purpose of the ignition interlock program; or
- (o) Fails to provide re-certification documentation for indigent participants.

**Subsection 311.15 is amended to read as follows:**

311.15

- (a)
  - (1) The Director may terminate a participant from the ignition interlock program for any violation listed in § 311.13.
  - (2) If a participant is terminated from the program pursuant to § 311.13(a), that person shall serve the license suspension, cancellation, or revocation period and then must re-enter the program to serve the remaining time period.
- (b)
  - (1) Instead of terminating a participant from the ignition interlock program for a violation listed in § 311.13 (other than § 311.13(c)), the Director may require the participant to serve an additional sixty (60) days in the program for the participant's first violation, ninety

(90) days for the participant's second violation, and one hundred and twenty (120) days for each subsequent violation.

- (2) Instead of terminating a participant from the ignition interlock program for a violation of § 311.13(c), the Director may require the participant to serve an additional (1) one-year extension in the ignition interlock program.
- (c) The additional periods set forth in subparagraph (b)(1) and (b)(2) shall extend the time the participant is required to remain in the ignition interlock program beyond the initial revocation period.
- (d) If the participant's license is cancelled due to his or her relocation outside of the District, the participant must remain in an ignition interlock program or the participant will be terminated from the District's program, his or her privilege to drive in the District will be revoked, and all vehicle registrations in his or her name in the District will be suspended.

**Subsection 311.21 is amended to read as follows:**

311.21 The Director shall revoke the driver license of a person who fails to participate in the ignition interlock program for the required period. The license revocation period shall be permanent until the person re-enters the program. Credit will be given for any time served in the ignition interlock program for the applicable offense. The person will serve the remaining time and any additional extension period imposed by the Director pursuant to § 311.15(b).

**Subsection 311.22 is amended to read as follows:**

311.22 The Director shall suspend the registration of all vehicles identified in the application of a participant who fails to participate in the ignition interlock program for the required period. The period of suspension shall be concurrent with the period of time during which the participant's driver license is revoked.

**Subsection 311.23 is amended to read as follows:**

- 311.23
- (a) [REPEALED.]
  - (b) If a participant failed to successfully complete an ignition interlock program in another jurisdiction, the person may request that the Director allow him or her to enroll in and enter the District of Columbia ignition interlock program.
  - (c) [REPEALED.]

**Subsection 311.24 is repealed.**

**Subsection 311.25 is amended by striking the word “not” before the phrase “be credited” so that the subsection reads as follows:**

311.25 An applicant entering the ignition interlock program pursuant to § 311.23(b) shall be credited for time served, and shall be required to participate in the ignition interlock program for either the full period of time that would have been imposed if the offense had occurred in the District, or the period of time remaining to be served in the former jurisdiction, whichever is greater.

**Subsection 311.26 is amended by striking the phrase “pursuant to §§ 306.6 or 306.7” after the word “revoked” so that the subsection reads as follows:**

311.26 If the applicant's driver license was revoked, and the applicant seeks admittance into the ignition interlock program more than six (6) months after revocation, he or she will be required to pass the written knowledge test and the road test.

**A new Subsection 311.27 is added to read as follows:**

311.27 A violation of subsections (c), (d), (d-1), (e) or (k) of §311.13 may result in the issuance of a Notice of Infraction to be adjudicated under The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2–104; D.C. Official Code §§ 50-2301.01 *et seq.*). The fine shall be one hundred dollars (\$100). No points shall be assessed for any violation.

**Section 312, IGNITION INTERLOCK PROVIDERS, is amended as follows:**

**Subsection 312.1 is amended to read as follows:**

312.1

- (a) All ignition interlock providers must be certified by the Department in accordance with the requirements of this section.
- (b) The Department shall enter into an agreement with a provider that incorporates by reference this section and includes any other requirements deemed appropriate by the Department in order to carry out the purposes of the ignition interlock program.

**Subsection 312.3 is amended to read as follows:**

312.3 All devices offered in the District shall meet or exceed the Model Specifications for Breath Alcohol Ignition Interlock Devices, published at 78 Fed. Reg. 26862 (May 8, 2013) (available at: <https://www.govinfo.gov/content/pkg/FR-2013-05-08/pdf/2013-10940.pdf>).

**Subsection 312.6 is amended to read as follows:**

312.6 The ignition interlock device shall correlate with an alcohol concentration recommended in the specifications contained in the technical standards for breath alcohol ignition interlock devices in the Model Specifications for Breath Alcohol Ignition Interlock Devices, published at 78 Fed. Reg. 26862 (May 8, 2013) (available at: <https://www.govinfo.gov/content/pkg/FR-2013-05-08/pdf/2013-10940.pdf>) with the accuracy provided for in the specifications but may not be higher than 0.020 percent.

**Subsection 312.9 is amended to read as follows:**

312.9 Breath test devices shall use breath specimens that are alveolar air samples (“deep lung air”) in accordance with established forensic alcohol standards meeting or exceeding the specifications contained in the technical standards for breath alcohol ignition interlock devices in the Model Specifications for Breath Alcohol Ignition Interlock Devices, published at 78 Fed. Reg. 26862 (May 8, 2013) (available at: <https://www.govinfo.gov/content/pkg/FR-2013-05-08/pdf/2013-10940.pdf>).

**Subsection 312.10 is amended to read as follows:**

312.10 The ignition interlock device shall be calibrated for proper use and accuracy every thirty (30) days, or more if required by the Director in order to ensure accurate calibration, and after notice to any affected participant and ignition interlock device provider.

**Subsection 312.11 is amended to read as follows:**

312.11 The device, the installation of the device, and the monitoring of the device, including the transmission of data to the Department, shall provide for the security features set forth in the specifications for breath alcohol ignition interlock devices in the Model Specifications for Breath Alcohol Ignition Interlock Devices, published at 78 Fed. Reg. 26862 (May 8, 2013) (available at: <https://www.govinfo.gov/content/pkg/FR-2013-05-08/pdf/2013-10940.pdf>).

**Subsection 312.13 is amended by adding paragraph (g) to read as follows:**

312.13

...

- (g) Have a camera capable of recording the image of the driver of the motor vehicle in which the device is installed; and
  - (1) The camera shall take an image of the driver with sufficient clarity and resolution to allow driver identification;

- (2) The camera shall operate in all lighting conditions, including extreme brightness, darkness, and lowlight conditions, and capture a clear image of the driver for identification;
- (3) The vendor shall take a reference image of the driver during the installation appointment for identity comparison purposes with the image captured of the driver conducting a breath alcohol test with the ignition interlock device; and
- (4) The camera shall incorporate tamper detection features that will indicate;
  - (A) If the lens is covered or blocked to prevent light from entering the image capture system of the camera;
  - (B) If the lens is coated or is covered by a material to distort the image capture;
  - (C) If the field of view of the camera has been altered by repositioning of the camera;
  - (D) Disconnection of communication between the camera and the ignition interlock device; and
  - (E) Disconnection of power to the camera;
- (5) The images taken by the camera of the driver conducting the breath alcohol test with the ignition interlock device shall be stored with the date and time of image capture, the result of the breath test, and the corresponding ignition interlock program identification number. Data should be readily available to the jurisdiction upon request.
- (6) The camera shall capture images of the driver conducting the breath alcohol test with the ignition interlock device for the events listed following;
  - (A) Successful completion of the initial breath test sample (when the ignition interlock device captures the sample for analysis);
  - (B) Successful completion of any retest breath test sample (when the ignition interlock device captures the sample for analysis);

- (C) Unsuccessful delivery of the initial breath test sample (when the ignition interlock device rejects the breath sample delivery because of inadequate pressure, flow, temperature, or other determinant properties of the breath sample of the ignition interlock device);
- (D) Unsuccessful delivery of any retest breath test sample (when the ignition interlock device rejects the breath sample delivery because of inadequate pressure, flow, temperature, or other determinant properties of the breath sample of the ignition interlock device); and
- (E) Failure to take a retest when required.

**Subsection 312.16 is amended by adding subparagraphs (j)(3)(v), (vi), and (vii) to read as follows:**

312.16

...

- (v) Camera images;
- (vi) Number of engine starts; and
- (vii) Failure to submit to breath test.

**Subsection 312.22(b) is amended to read as follows:**

312.22

...

- (b) Ensure by way of a background check that personnel have not been convicted of a crime or driving related offense substantially related to the qualifications, functions, and duties related to the installation and inspection of the devices. These offenses include, but are not limited to, the following:
  - (1) Convictions for any alcohol or drug-related offense within the last three (3) years;
  - (2) Convictions of more than one (1) alcohol or drug-related offense overall;
  - (3) Convictions of probation violation;
  - (4) Conviction for perjury; or
  - (5) License suspension or revocation for a violation of motor vehicle safety laws.

**Subsection 312.25(d) is amended to read as follows:**

312.25

...

- (d) Have records maintained for five (5) years after vendor no longer provides service;

**Subsection 312.27 is amended to read as follows:**

312.27

Testing shall be performed under the specifications set forth in the technical standards for breath alcohol ignition interlock devices in the Model Specifications for Breath Alcohol Ignition Interlock Devices, published at 78 Fed. Reg. 26862 (May 8, 2013) (available at: <https://www.govinfo.gov/content/pkg/FR-2013-05-08/pdf/2013-10940.pdf>) by an entity approved by the Department for the purpose of establishing the accuracy and reliability of candidate devices.

**The lead-in language to Subsection 312.28 is amended to read as follows:**

312.28

The provider must submit to the Department a notarized letter, affidavit, or both, from a Department-approved testing laboratory certifying that the device by model, class, or both, meets or exceeds all requirements set forth in the technical standards for breath alcohol ignition interlock devices in the Model Specifications for Breath Alcohol Ignition Interlock Devices, published at 78 Fed. Reg. 26862 (May 8, 2013) (available at: <https://www.govinfo.gov/content/pkg/FR-2013-05-08/pdf/2013-10940.pdf>).

**Subsection 312.29(b) is amended by striking the word “Annually” and replacing it with the word “Monthly” so that it reads as follows:**

312.29

...

- (b) Monthly, a summary of all complaints received and corrective actions taken by the provider for each mode or type of certified device;

**Subsection 312.29 is amended by adding paragraphs (f) and (g) to read as follows:**

- (f) Notification within 24 hours of any device installed onto a vehicle participating in the program and any device removed from a vehicle participating in the program; and

- (g) Furnish the following data daily:

Data downloaded from the data logger of every device serviced on the prior day, including, but not limited to, the dates and times of:

- (1) A breath test fail;
- (2) A breath test pass;
- (3) Alcohol level of breath test;
- (4) Tampering or attempting to circumvent the device Camera images;
- (5) Failure to provide a breath test when prompted by the device;
- (6) Number of engine starts; and
- (7) When the device is serviced.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, [dmvpubliccomments@dc.gov](mailto:dmvpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov). Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking may be obtained, at cost, by writing to the above address.



## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**RM-09-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the D.C. Official Code,<sup>1</sup> of its intent to amend the following provisions of Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking (NOPR) in the *D.C. Register*.

2. The proposed amendment to Section 906 (Community Renewable Energy Facilities) deletes the word “directly” to eliminate the requirement that a community renewable energy facility (CREF) be directly connected with the Electric Company’s distribution system. Given the District’s clean energy goals and policy directives to move aggressively towards a 100% renewable energy future, eliminating the direct connection could eventually facilitate the potential implementation of a virtual CREF, using a behind-the-meter configuration that does not require the facilities to be directly interconnected with the Electric Company’s distribution system, thus increasing renewable energy production in the District.

The following amendment to Title 15 is proposed (deletion is shown in **bold strikethrough** text).

**Chapter 9, NET ENERGY METERING, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 906, COMMUNITY RENEWABLE ENERGY FACILITIES, Subsection 906.1, is amended as follows:**

906.1 A CREF: (a) shall be ~~directly~~ interconnected with the Electric Company’s distribution system and shall execute an Interconnection Agreement and CREF Rider with the Electric Company; (b) may be built, owned or operated by a third party under contract with a Subscriber Organization; (c) may add capacity and Subscribers to its facility if the added capacity and Subscribers do not reduce the electrical production benefit to existing Subscribers or cause the CREF to exceed five (5) megawatts in capacity; and (d) may update its Subscribers no more frequently than once per quarter, by providing the following information about its Subscribers to the Electric Company: (i) name, address and account number of each Subscriber; and (ii) the percentage interest of each Subscriber in the capacity of the CREF. Under no circumstances shall a CREF sell Subscriptions totaling more than one hundred percent (100%) of its energy generation.

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<sup>1</sup> D.C. Official Code § 34-802 (2019 Repl.); D.C. Official Code § 2-505 (2016 Repl.).

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at [https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission's website at [www.dcpsec.org](http://www.dcpsec.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

## ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. CASE NO. 19-26****(Text Amendment – Subtitles C, G, K, X, and Z of Title 11 DCMR)  
(To Clarify Requirements for Covenants Required by the Zoning Regulations)**

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, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby gives notice of its intent to amend the following provisions of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references are made unless otherwise specified):

- Subtitle C (General Rules) §§ 903.6, 1001.6, 1006.6, and 1200.4
- Subtitle G (Mixed-Use (MU) Zones) § 410.1
- Subtitle K (Special Purpose Zones) §§ 511.2, 602.6, and 902.5
- Subtitle X (General Procedures) § 311.3
- Subtitle Z (Zoning Commission Rules of Practice and Procedure) § 702.1

The Commission proposes to revise the regulations to make the requirements for all covenants required by the Zoning Regulations consistent. Currently, some requirements for covenants specify that the District must be a party, and so requires the Mayor’s signature, while other requirements specify that the covenant is “for the benefit of the District,” which would not require the Mayor’s signature. The text amendment would also require that all required covenants run with the land and be reviewed and approved by the Zoning Administrator for technical sufficiency and by the Office of the Attorney General for legal sufficiency.

On November 8, 2019, the Office of Planning (OP) filed a report that served as a petition proposing text amendments to the Zoning Regulations as well as the pre-hearing report required by Subtitle Z § 400.6, in which OP recommended approval of the proposed text amendment.

At its November 18, 2019, publicly noticed public meeting, the Commission voted to set down the petition for a public hearing.

At its January 30, 2020, public hearing, the Commission heard testimony from OP in support of the proposed text amendment. No other persons or entities testified or submitted responses to the record.

At the close of the public hearing, the Commission voted to take **PROPOSED ACTION** and authorized the publication of a notice of proposed rulemaking.

**VOTE (Jan. 30, 2020):**            **5-0-0** (Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

**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~~; new text is shown in **bold and underline**):

**I. Proposed Amendment to Subtitle C, GENERAL RULES**

**Paragraph (b) of § 903.6 of § 903, LOCATION RESTRICTIONS, of Chapter 9, LOADING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

903.6 Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:

- (a) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in Subtitle C § 901.1; and
- (b) A binding covenant ~~that is acceptable to~~ **running with the land for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, ensuring that ensures** the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed ...

**Subparagraph (a)(3) of § 1001.6 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1001.6 IZ requirements of this chapter shall not apply to:

- (a) Any development subject to a mandatory affordable housing requirement that exceeds the requirements of this chapter as a result of District law or financial subsidies funded in whole or in part by the Federal or District Government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA); provided:
  - (1) The development shall set aside ...
  - ...
  - (3) The requirements set forth in subparagraphs (1) and (2), of this paragraph, shall be stated as declarations within a covenant

~~approved by running with the land for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General;~~ and

(4) The approved covenant shall be recorded ...

(b) Boarding houses, community based institutional facilities ...

**Subsection 1006.6 of § 1006, OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1006.6 No order granting off-site compliance shall become effective until a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, has been recorded in the land records of the District of Columbia ~~between by~~ the owner of the off-site development and the Mayor for the benefit of the District of Columbia. A draft covenant, executed by the owner of the off-site property, shall be attached to an application for relief under this section.

**Subsection 1200.4 of § 1200, GENERAL PROCEDURES, of Chapter 12, COMBINED LOT PROVISIONS, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:**

1200.4 A covenant for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties prior to the issuance of any building permits. The covenant shall be for the purpose of insuring that the aggregate residential and nonresidential floor area does not exceed the limits applicable to residential and nonresidential uses, or of bonus floor area if applicable.

**II. Proposed Amendment to Subtitle G, MIXED-USE (MU) ZONES**

**Paragraph (b) of § 410.1 of § 410, COMBINED LOT, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended to read as follows:**

410.1 The following combined lot development provision shall apply to the MU-10 zone only:

(a) The allowable residential ...

- (b) **APrior to the issuance of any building permit, a** covenant running with the land and applicable to all properties involved in the apportionment, **found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General,** shall be executed by all of the owners of the properties **and for the benefit of** the District of Columbia ~~prior to the issuance of any building permits~~. The covenant shall be for the purpose of insuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and
- (c) For the purposes of this section, ....

**III. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

A new paragraph (b) is proposed to be added to § 511.2 of § 511, CERTIFICATION OF COMBINED LOT DEVELOPMENTS, of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, with current paragraphs (b) through (e) renumbered as new paragraphs (c) through (f), to read as follows:

511.2 The instrument shall be in the form of a declaration of covenants that:

- (a) Is signed by the owners of all affected lots;
- (b) Is for the benefit of the District of Columbia;**
- ~~(b)~~ **(c)** Runs with the land ...
- ~~(c)~~ **(d)** Burdens all lots ...
- ~~(d)~~ **(e)** Binds the present ...
- ~~(e)~~ **(f)** States the maximum ....

A new paragraph (b) is proposed to be added to § 602.6 of § 602, DENSITY – FLOOR AREA RATIO (FAR) (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, with current paragraphs (b) through (d) renumbered as new paragraphs (c) through (e), to read as follows:

602.6 The instrument shall be in the form of a declaration of covenants that:

- (a) Is signed by the owners of all affected lots;
- (b) Is for the benefit of the District of Columbia;**

~~(b)~~ (c) Runs with the land ...

~~(e)~~ (d) Burdens all lots ...

~~(d)~~ (e) States the maximum ....

**Paragraph (e) of § 902.5 of § 902, WR-2 ZONE, of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended to read as follows:**

902.5 If less than 3.75 FAR is developed in Land Bay E, excess floor area can be transferred to Land Bay K.1 in the WR-3 zone, or Land Bay F in the WR-3 zone, or Land Bay D in the WR-2 zone, or a combination of those land bays, subject to the requirements of this subsection:

(a) No more than one hundred ...

...

(e) Before the transfer may occur, the applicant shall record in the Land Records of the District of Columbia a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, for each property, ~~in a form acceptable to the District, by the owner or owners for the benefit of the District of Columbia~~ that states the size, in square feet, of Land Bays E, K.1, F, and D, the maximum FAR and non-residential FAR permitted as a matter of right for Land Bays E, K.1, F, and D, the total amount of floor area being transferred, the amount of non-residential floor area being transferred, and the resulting maximum FAR and nonresidential FAR for both Land Bays E, K.1, F, and D; and

(f) The applicant for any building permit ...

**IV. Proposed Amendment to Subtitle X, GENERAL PROCEDURES**

**Subsection 311.3 of § 311, IMPLEMENTATION, of Chapter 3, PLANNED UNIT DEVELOPMENTS, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended to read as follows:**

311.3 The Zoning Administrator shall not approve a permit application unless the applicant has recorded a covenant running with the land found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, in the land records of the District of Columbia ~~between~~ by the owner or owners ~~and~~ for the benefit of the District of Columbia ~~satisfactory to the Office of the Attorney General and the Zoning Administrator~~, which covenant will bind the owner and all successors in title to

construct on and use the property only in accordance with the adopted orders, or amendments thereof, of the Zoning Commission.

**V. Proposed Amendment to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE**

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

702.10 For PUD cases, the Zoning Administrator shall not approve a permit application unless the applicant has recorded a covenant **running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General**, in the land records of the District of Columbia by the owner or owners for the benefit of the District of Columbia, ~~satisfactory to the Office of the Attorney General and the Zoning Administrator~~, which covenant will bind the owner and all successors in title to construct on and use the property only in accordance with the adopted orders, or amendments thereof, of the Commission.

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 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.





**3803 BENEFITS**  
**3804 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**  
**3805 ADMINISTRATIVE APPEALS**  
**3899 DEFINITIONS**

**3800 LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM**

3800.1 This chapter sets forth the process and appeal procedures for the Department’s determination of income eligibility for the Lead Pipe Replacement Assistance Program (LPRAP).

**3801 APPLICATION PROCESS**

3801.1 In order for the Department to determine the financial eligibility of an applicant to receive LPRAP assistance, District residential property owners shall file an application with the Department. If a property is comprised of multiple owners, the property is eligible to receive assistance if more than half of the owners complete an application.

3801.2 The Department shall prescribe the form of the application to be filed, and provide either a paper or electronic application, which shall be signed by the applicant. The application shall state that the making of a false statement in the application, or the signing of the application with knowledge that facts stated in the application are not true, carries criminal penalties in accordance with Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

3801.3 An authorized representative may apply on behalf of an applicant if the applicant provides:

- (a) A written and signed statement stating why the applicant cannot complete an application without a representative; and
- (b) The name and address of the person authorized to act on the applicant’s behalf.

3801.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3801.3, the Department may assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.

3801.5 The Department may assist with an application for an applicant who is unable to apply for the benefit in person for a reason other than disability, including making a visit to an applicant’s home, if:

- (a) The applicant is sixty-five (65) or older, infirm, or unable to travel; or
- (b) The applicant's residence is located in a building or complex of buildings that house many other likely applicants.

## **3802 ELIGIBILITY**

3802.1 In order to be eligible for a benefit, the applicant shall:

- (a) Be the property owner of a residence in the District of Columbia; and
- (b) Meet the income criteria established at D.C. Official Code § 34-2159.

3802.2 A determination of financial eligibility shall be based on the gross income of the household, unless a member of the household is self-employed, in which case the determination of financial eligibility shall be based on the adjusted gross income.

3802.3 As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, authorizing the Department to obtain or verify information necessary to process the application or for reporting purposes.

3802.4 Each applicant shall cooperate fully in establishing his or her eligibility, the nature of the need, and the extent of the need, each of which shall include providing documentation or other proof of:

- (a) Household composition;
- (b) Income; and
- (c) Any additional information that the Department may require.

3802.5 The Department may obtain the information used in determining eligibility from:

- (a) A document;
- (b) A telephone conversation or interview for which notes are taken;
- (c) Data from another government agency or utility provider;
- (d) Internet data; and
- (e) Other relevant sources.

3802.6 The eligibility and benefit determination will be completed within thirty (30) days after the Department receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects the Department, such as a

natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

- (a) An applicant’s failure to supply information to document facts stated in an application;
- (b) An inability to contact an applicant after three (3) attempts;
- (c) Evidence of misrepresentation in an application;
- (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
- (e) A delay in receipt of necessary information over which the Department has no control.

3802.7 The Department shall notify the applicant of the eligibility and benefit determination in accordance with the provisions of D.C. Official Code § 34-2159.

3802.8 An applicant has ninety (90) days from the date of approval or until the end of the fiscal year in which the application was approved to complete the work, whichever occurs first. If the work is not completed within ninety (90) days or before the end of the fiscal year in which the application was approved, the Department may require the applicant to reapply to receive benefits.

**3803 BENEFITS**

3803.1 Benefits for LPRAP will be provided in accordance with the provisions of D.C. Official Code § 34-2159.

3803.2 The cap on replacement costs is equal to one thousand two hundred fifty dollars (\$1,250.00) plus two hundred dollars (\$200.00) per foot of pipe to be replaced. Additional costs for permits, inspectors, and property restoration will be approved on a case by case basis. An application with project costs in excess of this cap may be denied or required to submit an additional quote for further consideration.

3803.3 Nothing in this chapter shall be interpreted to mean that a LPRAP benefit provided to eligible households by the Department is an entitlement, continuing or otherwise.

3803.4 If the Department determines that remaining available funds may be insufficient to provide relief during a fiscal year, the Department may:

- (1) Suspend the process of taking applications; or
- (2) Suspend the process of awarding assistance.

**3804 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**

- 3804.1 If an applicant is determined ineligible for LPRAP, the Department will provide to the applicant notice of ineligibility, to include:
- (a) A statement of the determination of ineligibility and an explanation of that determination;
  - (b) A statement of the action that the applicant must take, if any, to be found eligible; and
  - (c) Notice of the applicant's right to appeal the determination, as provided in § 3805.
- 3804.2 If the Department determines that a prior eligibility decision for LPRAP was based on material error, falsity, misrepresentation, concealment, omission, or fraud, the Department will:
- (a) Reopen the application;
  - (b) Inform the applicant of the Department's final action or intended action;
  - (c) Provide the applicant with a reasonable opportunity to respond; and
  - (d) Revise or revoke the determination of eligibility.
- 3804.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

**3805 ADMINISTRATIVE APPEALS**

- 3805.1 With respect to a matter governed by §§ 3801 to 3804 of this chapter, an applicant adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within thirty (30) calendar days after receipt of the notice of the action.
- 3805.2 The decision of the Director or the Director's designee upon appeal shall become the final action of the Department. An applicant may seek review of that decision with, and request a hearing before, the Office of Administrative Hearings (OAH) within thirty (30) days of the Department's action. Prehearing practice and the conduct of the hearing shall be in accordance with the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*) and the regulations set forth at Title 1, Chapter 28 of the District of Columbia Municipal Regulations.

**3899**            **DEFINITIONS**

3899.1            When used in this chapter, the following words and phrases shall have the meanings ascribed:

**DC Water** – the District of Columbia Water and Sewer Authority.

**Department** – the District of Columbia Department of Energy and Environment.

**LPRAP** – The Lead Pipe Replacement Assistance Program that provides eligible households with assistance for the replacement of partial lead service lines on private property and is administered by DC Water and the Department.

**Partial Lead Service Line** – a mixed material water service pipe connecting a residential property’s plumbing to a water main that may result in lead contamination.

**Replacement Costs** – the total cost to confirm or complete the removal of a partial lead service line, including permits, inspectors, and restoration.

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This emergency and proposed rulemaking adds a new Section 939 (Adult Hospice Services) to Chapter 9 (Medicaid Program) of Title 29 DCMR. The new Section 939 establishes standards for the delivery of and reimbursement for hospice care provided to terminally ill District Medicaid beneficiaries twenty-one (21) years of age and older residing in home settings, in accordance with individualized, written plans of care. This rulemaking describes the scope of the items and services covered under the adult hospice benefit and clarifies the reimbursement methodology for beneficiaries receiving hospice care while residing in a nursing facility or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID). DHCF estimates total expenditures for the adult hospice benefit to increase by \$10,726,912 in Fiscal Year 2020, as a result of the proposed changes.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District Medicaid beneficiaries eligible for and in need of covered adult hospice services. These rules are being enacted on an emergency basis to ensure that providers receive reimbursement at the level appropriate to the category of hospice care rendered and to avoid any disruption to beneficiaries' continued access to quality adult hospice services in the District.

These rules correspond to a related State Plan Amendment (SPA), which requires approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). Accordingly, these proposed rules shall become effective January 1, 2020, or on an alternate effective date established by CMS in its approval of the corresponding SPA, whichever is later. Once approved by CMS, the corresponding SPA will be added to the District's Medicaid State Plan, which can be found on DHCF's website at <https://dhcf.dc.gov/page/medicaid-state-plan>.

These emergency rules were adopted on February 3, 2020, and shall become effective on that date, contingent upon approval of the corresponding SPA by CMS. These emergency rules shall remain in effect for one hundred and twenty (120) days from the adoption date or until June 2, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director also gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**A new Section 939, ADULT HOSPICE SERVICES, is added to read as follows:**

**939 ADULT HOSPICE SERVICES**

939.1 This rule shall govern the administration of adult hospice services under the District of Columbia (District) Medicaid Program.

939.2 Adult Hospice services shall be furnished by providers operating in accordance with 42 CFR § 418.114 and requirements set forth in the District of Columbia Health Occupations Revision Act of 1985, as amended effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01, *et seq.*), and its implementing rules.

939.3 A provider of adult hospice services is a public agency or private organization, or subdivision of either, that is primarily engaged in providing care to terminally ill adult beneficiaries, which may include any of the following entities:

- (a) A hospital;
- (b) A Hospice enrolled in the Medicare program; or
- (c) A nursing facility or intermediate care facility for individuals with intellectual disabilities (ICF/IID).

939.4 To be eligible for District Medicaid reimbursement for adult hospice services, a provider shall meet the following requirements:

- (a) Meet the Medicare conditions of participation for hospices, 42 CFR Part 418, Subparts C, D, and F, be enrolled in the Medicare program, and be enrolled as a District Medicaid provider with DHCF; and
- (b) Employ or contract with an interdisciplinary team, which shall include at least one (1) of each of the following:
  - (1) Doctor of medicine or osteopathy;
  - (2) Registered nurse (RN) or advanced practice registered nurse (APRN);
  - (3) Licensed clinical social worker (LCSW); and
  - (4) Pastoral or other counselor.



- 939.5 All members of the hospice interdisciplinary team shall be able to provide expertise and services twenty-four (24) hours per day, seven (7) days per week.
- 939.6 To be eligible to receive adult hospice services, a beneficiary shall meet the following criteria:
- (a) Is enrolled in District Medicaid;
  - (b) Is aged twenty-one (21) or older;
  - (c) Resides in a home setting, or in a nursing facility or ICF/IID;
  - (d) Is certified as terminally ill in accordance with §§ 939.7 – 939.9; and
  - (e) Has elected to receive hospice care in accordance with § 939.10.
- 939.7 A written certification of terminal illness shall be completed no more than fifteen (15) calendar days before the effective date of an election period described at § 939.12, and shall include all of the following:
- (a) A statement that the beneficiary has a medical prognosis of life expectancy of six (6) months or less if the terminal illness runs its normal course;
  - (b) Clinical information and other documentation supporting the medical prognosis, which shall be filed in the medical record with the written certification;
  - (c) A brief narrative explanation of the clinical findings that support a life expectancy of six (6) months or less, which meets the following requirements:
    - (1) The narrative shall be located immediately above the physician's signature;
    - (2) For the initial election period certification and second election period certification described in § 939.12, the narrative shall include a statement attesting that the narrative is based on a review of the beneficiary's medical record;
    - (3) The narrative shall reflect the beneficiary's individual clinical circumstances and cannot contain check boxes or standard language used for all patients; and

- (4) For the third election period certification and each subsequent election period certification described in § 939.12, the narrative shall include a statement attesting that the narrative is based on a face-to-face encounter with the beneficiary described in § 939.9; and
- (d) Signatures of the hospice medical director or the physician member of the hospice interdisciplinary team, and the beneficiary's attending physician, specialty care physician, or primary care physician.
- 939.8 The hospice provider shall obtain a written certification of terminal illness no later than two (2) calendar days after the beginning of each election period.
- 939.9 Not more than thirty (30) calendar days prior to the completion of the certification statement for the third election period, as described in § 939.13, and each subsequent election period thereafter, a hospice physician or hospice nurse practitioner shall have a face-to-face encounter with any beneficiary whose total time in hospice is anticipated to exceed one hundred eighty (180) calendar days.
- 939.10 For each period of hospice care elected, the beneficiary or authorized representative shall file with the hospice provider an election statement that includes the following:
- (a) Identification of the hospice provider that will care for the beneficiary;
- (b) An acknowledgement by the beneficiary or his/her authorized representative that the beneficiary has been given a full explanation of the palliative rather than curative nature of hospice care as it relates to the beneficiary's terminal illness;
- (c) An acknowledgement by the beneficiary or his/her authorized representative that the beneficiary fully understands that an election to receive hospice care is a waiver of the Medicaid services described in § 939.16;
- (d) The effective date of the election to receive hospice care; and
- (e) The signature of the beneficiary or his/her authorized representative.
- 939.11 Where a beneficiary electing hospice care lacks the mental capacity to make an election, his/her authorized representative shall file the election statement pursuant to the requirements set forth in the Health Care Decisions Act of 1988, effective March 16, 1989 (D.C. Law 7-189; D.C. Official Code §§ 21-2201, *et seq.*).

- 939.12 Adult hospice services may be provided for limited time frames known as election periods. An election period for hospice care shall consist of one or more of the following:
- (a) An initial election period of ninety (90) days;
  - (b) A second election period of ninety (90) days;
  - (c) A third election period of sixty (60) days; and
  - (d) An unlimited number of subsequent election periods of sixty (60) days.
- 939.13 A beneficiary's election to receive hospice care shall continue through the initial election period and any subsequent election periods without a break in care as long as the beneficiary remains in the care of an enrolled hospice provider, does not revoke the election, and is not discharged from hospice care.
- 939.14 A beneficiary may change to a different hospice provider no more than once in each election period, subject to the following conditions:
- (a) In such circumstances, the beneficiary shall not begin a new election period; and
  - (b) To ensure continuity of care, both hospice providers shall be required to coordinate the provision of services during the beneficiary's transition.
- 939.15 A beneficiary may revoke the election of hospice care at any time. To revoke the election of hospice care, the beneficiary or his/her authorized representative shall file with the hospice provider a signed and dated revocation statement subject to the following:
- (a) A beneficiary's revocation statement shall include the date on which the revocation of the election of hospice care is to be effective. The effective date may not be earlier than the date that the revocation statement is filed with the hospice provider; and
  - (b) A beneficiary's revocation of the election of hospice care does not preclude him/her from reelecting hospice care at a later date.
- 939.16 A beneficiary shall waive all rights to Medicaid coverage for the following services for the duration of the election to receive hospice care:
- (a) Hospice care provided by a hospice provider other than the hospice provider designated by the beneficiary, unless provided under arrangements made by the designated hospice; and

- (b) Any Medicaid services related to treatment of the terminal condition for which hospice care was elected or a related condition, or services that are equivalent to hospice care, except for those:
  - (1) Provided by the designated hospice;
  - (2) Provided by another hospice under arrangements made by the designated hospice; or
  - (3) Provided by the beneficiary's attending physician if that physician is not an employee of the designated hospice or receiving compensation from the hospice for those services.

939.17 A beneficiary who elects to receive adult hospice services remains entitled to receive other medically necessary Medicaid-covered services, drugs, or supplies, not included in the adult hospice benefit, that are for a condition unrelated to the terminal illness for which hospice care was elected.

939.18 When a beneficiary enrolled in a home and community-based services (HCBS) waiver authorized under Section 1915(c) of the Social Security Act, including but not limited to the District's Elderly and Persons with Physical Disabilities (EPD) waiver and Individuals with Intellectual and Developmental Disabilities (IDD) waiver, elects to receive adult hospice services, the following conditions apply:

- (a) The beneficiary's waiver case manager or service coordinator and hospice provider staff shall meet in advance to develop a coordinated plan of care for the beneficiary, completed within five (5) days of the beneficiary's first day of hospice care, which clearly defines the roles and responsibilities of the HCBS waiver services provider and the hospice provider and avoids duplication of services;
- (b) The hospice provider shall provide all medically necessary services that are directly related to the beneficiary's terminal illness; and
- (c) The HCBS waiver program may continue to provide services that are:
  - (1) Unrelated to the beneficiary's terminal illness; and
  - (2) Assessed by the beneficiary's waiver case manager or service coordinator as necessary to maintain the beneficiary's safe residence in a home- or community-based setting.

939.19 To be covered by Medicaid, adult hospice services shall meet the following requirements:

- (a) The services are reasonable and necessary for the palliation and management of the terminal illness and related conditions;
- (b) The services are provided to a beneficiary who meets the requirements at § 939.6; and
- (c) The services provided are consistent with the written plan of care, which was developed by the interdisciplinary team described in § 939.4 and established prior to the beneficiary's first day of hospice care.

939.20

The following services are covered adult hospice services, when consistent with the plan of care and provided in accordance with recognized standards of practice and any requirements or limitations set forth by federal or District law and the District's State Plan for Medical Assistance:

- (a) Physician services performed by a physician as defined in 42 CFR § 410.20, except that the services of the hospice medical director or the physician member of the interdisciplinary group shall be performed by a doctor of medicine or osteopathy;
- (b) Nursing services provided by or under the supervision of a registered nurse;
- (c) Medical social services provided by a licensed clinical social worker practicing under the direction of a physician;
- (d) Counseling services provided to the terminally ill beneficiary and family members or other persons who care for the beneficiary at home, in accordance with the following requirements:
  - (1) Counseling, including dietary counseling, may be provided both for the purpose of training the beneficiary's family or other caregivers to provide care, and for the purpose of helping the beneficiary and those caring for him/her to adjust to the beneficiary's approaching death; and
  - (2) Counseling services are not available to nursing facility or ICF/IID personnel who care for a beneficiary receiving hospice care in the facility;
- (e) Short-term inpatient hospice care provided in a participating Medicare or Medicaid hospice inpatient unit, hospital, or nursing facility that meets hospice staffing and space requirements described in 42 CFR Part 418, Subparts C and D, in accordance with the following requirements:
  - (1) Inpatient hospice care may be required for procedures necessary for pain control or acute or chronic symptom management, and

may also be furnished as a means of providing respite for the individual's family or other persons caring for the beneficiary at home; and

- (2) Respite care shall be furnished as specified in 42 CFR § 418.108(b);
- (f) Durable Medical Equipment (DME) and medical supplies for the palliation or management of the beneficiary's terminal illness or related conditions, which shall be provided by the hospice provider for use in the beneficiary's home;
- (g) Prescription drugs used primarily for the relief of pain and symptom control related to the beneficiary's terminal illness;
- (h) Physical therapy, occupational therapy, and speech-language pathology services provided for symptom control or to enable the beneficiary to maintain activities of daily living and basic functional skills;
- (i) Home health aide and homemaker services, in accordance with the following requirements:
  - (1) Home health aides shall provide personal care services and may also perform household chores necessary to maintain a safe and sanitary environment in areas of the home used by the beneficiary. Home health aides shall deliver services under the general supervision of a registered nurse;
  - (2) Homemaker services may include assistance in maintenance of a safe and healthy environment and other services that enable the beneficiary, caregiver(s), and hospice provider to carry out the plan of care;
  - (3) Personal care aide (PCA) services, in accordance with Chapter 50 of Title 29 DCMR and to the extent that the hospice provider would routinely use the beneficiary's family to support implementation of the plan of care. Additional hours of PCA services may be authorized if medically necessary, in accordance with 29 DCMR § 5003; and
  - (4) The hospice provider shall ensure coordination between home health aide and homemaker services under adult hospice with PCA services provided under the Medicaid State Plan personal care benefit, and shall be responsible for submitting a request for a PCA Service Authorization to DHCF or its designated agent in accordance with 29 DCMR § 5003, and for integrating the plan of care prepared by the PCA provider into the adult hospice plan of care; and

- (j) Other services specified in the beneficiary's plan of care as reasonable and necessary for the palliation or management of the terminal illness and related conditions, which are otherwise covered by District Medicaid.

939.21 Core services covered under the adult hospice benefit include the following:

- (a) Physician services;
- (b) Nursing care;
- (c) Medical social services; and
- (d) Counseling services.

939.22 All core services listed at § 939.21 shall be routinely provided directly by hospice employees, except that the hospice provider may contract for the provision of core services under the following circumstances:

- (a) To obtain physician services;
- (b) The hospice provider has entered into a written arrangement, with another hospice provider meeting the criteria set forth in §§ 939.3 through 939.5, for the provision of core services to supplement hospice employees to meet the needs of beneficiaries; or
- (c) The use of contracted staff for core services to supplement hospice employees in order to meet the needs of patients due to:
  - (1) Unanticipated periods of high patient loads;
  - (2) Staffing shortages due to illness or other short-term temporary situations that interrupt patient care; or
  - (3) Temporary travel of a patient outside of the hospice provider's service area.

939.23 Non-core services covered under the adult hospice benefit, which shall be provided directly by the hospice provider or under arrangements made by the hospice provider as specified in 42 CFR § 418.100, include the following:

- (a) Short-term inpatient care;
- (b) DME and medical supplies;
- (c) Prescription drugs;
- (d) Physical therapy, occupational therapy, and speech-language pathology services;

- (e) Home health aide and homemaker services, as described in § 939.20(i); and
- (f) Other services specified in the beneficiary's plan of care as reasonable and necessary for the palliation and management of the terminal illness and related conditions and for which payment may otherwise be made under District Medicaid.

939.24 The hospice provider shall ensure that nursing care, physician services, and prescription drugs are routinely available on a twenty-four (24) hour basis, seven (7) days per week. The hospice provider shall also ensure that, when reasonable and necessary to meet the needs of a beneficiary and his/her family or other caregivers, other services covered under the adult hospice benefit shall be made available on a twenty-four (24) hour basis, seven (7) days per week.

939.25 To receive reimbursement for adult hospice services, the hospice provider shall first obtain prior authorization from DHCF or its designee. A separate prior authorization shall be obtained for each election period during which hospice care is to be provided to the beneficiary.

939.26 DHCF shall reimburse for each day that a beneficiary receives adult hospice services at one (1) of the following four (4) prospective per diem reimbursement rates:

- (a) Routine Home Care: The base reimbursement category for hospice care representing any of the covered adult hospice services necessary to provide palliative care to a beneficiary while the beneficiary is at home and is not receiving continuous care as defined in paragraph (b) of this section. Routine home care shall be subject to the following requirements:
  - (1) Per diem reimbursement for routine home care days shall be made in accordance with Medicare requirements, resulting in a higher per diem rate for the first sixty (60) days of routine home care provided to a beneficiary, followed by a lower per diem rate for all subsequent routine home care days within an episode of hospice care;
  - (2) The count of routine home care days shall follow the beneficiary, such that if a beneficiary is discharged from one hospice provider and readmitted to another hospice provider within sixty (60) days, the beneficiary's prior routine home care days shall count toward the beneficiary's routine home care days for the receiving hospice provider upon hospice care election;
  - (3) Routine home care days that occur during the last seven (7) days of a hospice care election ending with a patient discharged due to death are eligible for a service intensity add-on payment; and



- (4) The service intensity add-on payment shall be equal to the continuous home care hourly payment rate, as described in paragraph (b) of this section, multiplied by the amount of direct patient care actually provided by a registered nurse and/or social worker, as defined in 42 CFR § 418.114, up to four (4) hours total per day;
- (b) Continuous Home Care: The rate category that applies for any of the covered services necessary to maintain a beneficiary at home during a period of crisis, resulting in a per diem rate which shall be divided by twenty-four (24) to yield an hourly rate. Continuous home care shall be subject to the following requirements:
- (1) The need for continuous care shall be documented in the clinical record. Continuous care shall not be billed for more than seventy-two (72) hours without prior authorization from DHCF;
  - (2) Nursing care, provided by either a registered nurse or a licensed practical nurse, shall account for more than half of the period of continuous home care;
  - (3) Homemaker and home health aide services shall be available, if needed, to supplement the nursing care;
  - (4) A period of crisis requires between eight (8) and twenty-four (24) hours of care, not necessarily consecutive, per twenty-four (24) hour period; and
  - (5) The number of hours of continuous care provided during a continuous home care day shall be multiplied by the hourly rate to yield the continuous home care payment for that day;
- (c) General Inpatient Hospice Care: The rate category that applies for a beneficiary requiring treatment in an inpatient hospice facility for pain control or management of acute or chronic symptoms which cannot be managed in other settings. General inpatient hospice care shall be subject to the following requirements:
- (1) General inpatient hospice care shall only be provided on a short-term basis;
  - (2) General inpatient hospice care shall be discontinued once the beneficiary's symptoms are under control;

- (3) Facilities providing general inpatient hospice care shall meet the requirements described at § 939.20(e); and
  - (4) Payments to a hospice provider for inpatient hospice care (general and respite) shall be subject to a limitation that the total number of inpatient hospice care days provided to Medicaid beneficiaries in any twelve (12) month period may not exceed twenty (20) percent of the total number of days during that period on which Medicaid beneficiaries have hospice care elections in effect; or
- (d) Inpatient Hospice Respite Care: The rate category that applies for inpatient care provided for respite on behalf of a family member or other caregiver for a beneficiary living at home. Inpatient hospice respite care shall be subject to the following requirements:
- (1) Inpatient hospice respite care is available for beneficiaries who do not meet the criteria for general inpatient or continuous home care, and whose family members or other caregivers are in need of temporary relief from caring for the beneficiary;
  - (2) Inpatient hospice respite care shall not exceed five (5) consecutive days and shall be limited to fifteen (15) days per six (6) month period;
  - (3) Inpatient hospice respite care shall not be available for a beneficiary residing in a nursing facility or ICF/IID; and
  - (4) Payments to a hospice provider for inpatient hospice care (general and respite) shall be subject to a limitation that the total number of inpatient hospice care days provided to Medicaid beneficiaries in any twelve (12) month period may not exceed twenty (20) percent of the total number of days during that period on which Medicaid beneficiaries have hospice care elections in effect.

939.27 The prospective per diem reimbursement rates for routine home, continuous home, general inpatient, and inpatient respite care shall be in accordance with the annual hospice rates established for Medicare by the Centers for Medicare and Medicaid Services (CMS) and subject to the hospice wage index for the Washington, D.C. Metropolitan Core Based Statistical Area (CBSA).

939.28 The per diem reimbursement rates include payment for the following services performed by the physician serving as the hospice medical director or the physician member of the interdisciplinary team:

- (a) General supervisory services; and

- (b) Participation in the establishment of plans of care, supervision of care and service delivery, periodic review and updating of plans of care, and establishment of governing policies.

939.29 DHCF shall make a payment for other physician services, in addition to the per diem reimbursement rate, subject to the following requirements:

- (a) The services shall be direct patient care services;
- (b) The services may not be furnished on a volunteer basis; and
- (c) Payment shall be made in accordance with the District Medicaid fee schedule, updated annually and available at [www.dc-medicaid.com](http://www.dc-medicaid.com).

939.30 When a beneficiary who resides in a nursing facility or ICF/IID elects to receive hospice care under the adult hospice benefit, the following shall apply:

- (a) The hospice provider and nursing facility or ICF/IID shall enter into a written agreement identifying the parties' responsibilities for patient care, in accordance with 42 CFR § 483.70(o);
- (b) On routine home care or continuous home care days, DHCF shall make an additional payment to the hospice provider equal to at least ninety-five (95) percent of the per diem rate for the nursing facility or ICF/IID, to account for the room and board furnished by the facility; and
- (c) The hospice provider shall pass through the room and board payment specified at § 939.30(b) to the nursing facility or ICF/IID, in accordance with the terms of the written agreement described at § 939.30(a).

939.31 DHCF shall not reimburse for days of adult hospice services that a beneficiary accrues before the hospice provider obtains physician certification of terminal illness in accordance with the requirements described in §§ 939.7 through 939.9.

939.32 The hospice provider shall demonstrate compliance with the following quality and improvement requirements:

- (a) Federal quality of care standards, in accordance with 42 CFR § 418.58; and
- (b) Data submission requirements of the Hospice Quality Reporting Program, in accordance with 42 CFR § 418.312.

939.33 The hospice provider shall take the following actions related to quality improvement:

- (a) Document the availability of a quality management program plan that meets federal quality of care standards in accordance with 42 CFR § 418.58; and
- (b) Appoint a multidisciplinary Quality Management Committee (QMC) that reflects the hospice provider's scope of services.

939.34 The hospice provider shall appoint a multidisciplinary QMC, which shall be responsible for the following:

- (a) Develop and implement a comprehensive and ongoing quality management and peer review program that evaluates the quality and appropriateness of patient care provided, including the appropriateness of the level of service received by patients;
- (b) Establish and use written criteria as the basis to evaluate the provision of patient care. The written criteria shall be based on accepted standards of care and shall include, at a minimum, systematic reviews of:
  - (1) Appropriateness of admissions, continued stay, and discharge;
  - (2) Appropriateness of professional services and level of care provided;
  - (3) Effectiveness of pain control and symptom relief;
  - (4) Patient injuries, such as those related to falls, accidents, and restraint use;
  - (5) Errors in medication administration, procedures, or practices that compromise patient safety;
  - (6) Infection control practices and surveillance data;
  - (7) Patient and family complaints and on-call logs;
  - (8) Inpatient hospitalizations;
  - (9) Staff adherence to the patient's plans of care; and
  - (10) Appropriateness of treatment.

939.35 The hospice provider shall submit its Quality Management and Peer Review Program to DHCF or its designee no later than June 30th, annually.

939.99 **Definitions**

When used in this section, the following terms shall have the meanings ascribed:

**Beneficiary** – An individual who has been determined eligible to receive services under the District Medicaid program.

**Counseling services** – Services provided by a person who is licensed or authorized to practice as a licensed professional counselor pursuant to the District of Columbia Health Occupations Revisions Act of 1985 (HORA), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl. & 2019 Supp.)).

**Episode of hospice care** – A hospice election period or series of election periods separated by no more than a sixty (60) day gap.

**Homemaker services** – Services consisting of general household activities provided by a trained homemaker, when the individual regularly responsible for these activities is unable to manage the home and care for themselves.

**Hospice** – A public agency or private organization, or a subdivision of either, that is primarily engaged in providing care to terminally ill individuals that meets the licensure requirements set forth in the Health-Care and Community Residence Facility, Hospice and Home-Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.* (2012 Repl. & 2019 Supp.)), or in the laws and regulations of the particular jurisdiction in which the facility is located.

**Hospice care** – A comprehensive set of services described in Section 1861(dd)(1) of the Social Security Act, identified and coordinated by an interdisciplinary group to provide for the physical, psychosocial, spiritual, and emotional needs of a terminally ill individual and/or family members, as delineated in a specific, written plan of care.

**Hospice medical director** – A person who is hired by the hospice provider as a medical director and who is licensed or authorized to practice as a physician pursuant to the HORA.

**Occupational therapy services** – Services provided by a person who is licensed or authorized to practice as an occupational therapist pursuant to HORA.

**Palliative care** – Patient and family-centered care that optimizes quality of life by anticipating, preventing, and treating suffering. Palliative care throughout the continuum of illness involves addressing physical, intellectual, emotional, social, and spiritual needs and to facilitate patient autonomy, access to information, and choice.

**Period of crisis** – A timeframe during which an individual requires continuous care to achieve palliation and management of acute medical symptoms.

**Physical therapy services** – Services provided by a person who is licensed or authorized to practice as a physical therapist pursuant to the HORA.

**Physician services** – Services provided by a person who is licensed or authorized to practice as a physician pursuant to the HORA.

**Plan of care** – A written document initially developed by at least two (2) members of the beneficiary’s hospice interdisciplinary team, one (1) of whom shall be a nurse or physician, describing the scope of services and levels of care to be provided.

**Speech-language pathology services** – Services provided by a person who is licensed or authorized to practice speech-language pathology pursuant to the HORA.

**Terminally ill** – An individual with a medical prognosis of life expectancy of six (6) months or less if the illness runs its normal course.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street NW, Suite 900, Washington, DC 20001, via telephone at (202) 442-8742, or via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act (the Act) for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 27 (Medicaid Reimbursement for Fee for Service Pharmacy Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), by amending Section 2799 (Definitions) and adding a new Section 2715 (Pharmacists' Administration Services).

This emergency and proposed rule will allow the District Medicaid Program to reimburse pharmacies for administration of immunizations, vaccines, and emergency anaphylaxis agents that are required to treat an anaphylactic reaction caused by an immunization or vaccine. District laws and regulations permit pharmacists to administer immunizations, vaccines, and emergency anaphylaxis agents under § 6512 of Title 17 DCMR. This rule requires pharmacists' administration services to meet seven conditions: (1) licensure and practice within the scope of practice authorized under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl. & 2019 Supp.)) and Chapter 65 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided; (2) certification by the D.C. Board of Pharmacy to administer immunizations and vaccines in accordance with § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided; (3) the administration of immunizations, vaccines, and emergency anaphylaxis agents that are covered under the District's Medicaid State Plan for Medical Assistance ("State Plan"); (4) administration of immunizations and vaccines must be supported by and consistent with a written protocol, valid prescription, or physician standing order as required under § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided; (5) administration of emergency anaphylaxis agents must be supported by and consistent with a written protocol, consistent with the requirements of § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided, and must be required to treat an emergency anaphylactic reaction that is caused by the administration of an immunization or vaccine; (6) the pharmacy in which the pharmacist is located shall be a Medicaid-enrolled provider in compliance with provider screening and enrollment requirements set forth under Chapter 94 of Title 29 DCMR; (7) the pharmacist must notify the beneficiary's primary care physician if a flu vaccine or a vaccine that is not covered under the Vaccine for Children (VFC) Program is administered to a child under nineteen (19). This rule also sets forth that pharmacies may be reimbursed administration fees, and outlines separate rates for injectable products and intranasal products. In addition, the rule allows the District to update the administration fees, subject to the requirements governing the Medicaid Fee Schedule as set forth under § 988 of Title 29 DCMR.

This emergency and proposed rulemaking amends Chapter 27 of Title 29 DCMR by incorporating the Medicaid reimbursable services that pharmacists may deliver in the District. Finally, these proposed rules would also further amend Chapter 27 (Medicaid Reimbursement for Fee for Service Pharmacy Services) by adding new definitions to § 2799 for the following terms: administer, administration fee, anaphylaxis, emergency anaphylaxis agent, immunization, vaccination, and written protocol.

The District Medicaid Program is also proposing to amend the State Plan. These proposed rules correspond to the amendment, which require approval by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (“CMS”). These rules shall become effective for services rendered on or after January 1, 2020, or the effective date established by CMS in its approval of the corresponding SPA, whichever is later. If adopted, the District Medicaid Program estimates that the proposed rule will have little to no impact on District or federal expenditures.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Medicaid beneficiaries in need of immunizations, vaccines, and emergency anaphylaxis agents required to treat an emergency anaphylactic reaction that is caused by an immunization or vaccine. This emergency rulemaking will enable pharmacies to receive Medicaid reimbursement for these critically important healthcare services and ensure vulnerable District Medicaid beneficiaries have increased access to much needed vaccines, immunizations, and emergency anaphylaxis agents.

These emergency rules were adopted on February 3, 2020, and became effective on that date. These emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until June 2, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 27, MEDICAID REIMBURSEMENT FOR FEE FOR SERVICE PHARMACY SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**A new Section 2715 is added to read as follows:**

**2715 PHARMACISTS’ ADMINISTRATION SERVICES**

2715.1 Medicaid reimbursement for pharmacists’ administration services, provided consistent with the requirements set forth in 42 CFR § 440.60(a) and the provisions set forth in this section, shall be limited to:

- (a) Administering Medicaid-covered immunizations, vaccines, and emergency anaphylaxis agents to adults; or



- (b) Administering Medicaid-covered immunizations, vaccines and emergency anaphylaxis agents that are not covered under the Vaccines For Children (“VFC”) Program.

2715.2 The Department of Health Care Finance (“DHCF”) shall reimburse a pharmacy when a pharmacist administers to a Medicaid beneficiary any of the following covered drugs:

- (a) Immunizations;
- (b) Vaccines; and
- (c) Emergency anaphylaxis agents required to treat an emergency anaphylactic reaction that is caused by an immunization or vaccine.

2715.3 In order to be eligible for Medicaid reimbursement, pharmacists who provide the services described in § 2715.2 must meet the following requirements:

- (a) Be licensed and practicing within the scope of practice authorized under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl. & 2019 Supp.)) and Chapter 65 of Title 17 of the District of Columbia Municipal Regulations (“DCMR”) or the applicable professional practices act within the jurisdiction where services are provided;
- (b) Be certified by the D.C. Board of Pharmacy to administer immunizations and vaccines in accordance with § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided;
- (c) Administer immunizations and vaccines that are covered under the District’s Medicaid State Plan for Medical Assistance (“State Plan”);
- (d) Administer emergency anaphylaxis agents that are:
  - (1) Specified in a written protocol, as required under § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided, and covered under the State Plan; and
  - (2) Required to treat an emergency anaphylactic reaction that is caused by an immunization or vaccine;

- (e) Administer immunizations and vaccines pursuant to a written protocol, valid prescription, or physician standing order as required under § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided;
- (f) Administer emergency anaphylactic agents if emergency anaphylactic reaction treatment is deemed appropriate by a delegating physician as set forth in a written protocol, consistent with the requirements set forth under § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided;
- (g) Ensure all written protocols are current and reviewed annually with the delegating physicians, consistent with the requirements set forth under § 6512 of Title 17 DCMR or the applicable professional practices act within the jurisdiction where services are provided;
- (h) Practice at a pharmacy that is an enrolled DC Medicaid provider in compliance with provider screening and enrollment requirements set forth under Chapter 94 of Title 29 DCMR; and
- (i) Notify the beneficiary's primary care physician if a flu vaccine or a vaccine that is not covered under the VFC Program is administered to a child under nineteen (19).

2715.4 Except for flu vaccines, Medicaid reimbursement shall not be available if an immunization or vaccine that is covered under the VFC Program is administered to a child.

2715.5 Pharmacists shall comply with the requirements of § 6512 of Title 17 DCMR, as described in § 2715.3, which are under the purview of the Department of Health in accordance with Chapter 19 of Title 22-B DCMR.

2715.6 DHCF shall reimburse administration services described in § 2715.2 to a pharmacy in which the pharmacist, described in § 2715.3, administers the services.

2715.7 DHCF shall reimburse pharmacist-administered immunizations, vaccines, and emergency anaphylaxis agents in accordance with this section as follows:

- (a) DHCF shall provide separate administration fees for injectable products and for nasal products;
- (b) Pharmacies receiving reimbursement for administration of immunizations, vaccines, and emergency anaphylaxis agents shall not receive the professional dispensing fee, described in §§ 2710 – 2711 of this chapter;

- (c) The fees may be updated annually, and changes to the fee shall be published on the Medicaid website at [www.dc-medicaid.com](http://www.dc-medicaid.com), subject to the requirements governing the Medicaid Fee Schedule as set forth under § 988 of Title 29 DCMR; and
- (d) DHCF shall reimburse the pharmacy separately for the cost of the immunization, vaccine, and/or anaphylaxis agent, in accordance with the requirements set forth under the State Plan, Attachment 4.19-B (“Payment for Services”), Part 1, pages 2 through 3c of the State Plan and the requirements of this chapter.

**Section 2799, DEFINITIONS, is amended to read as follows:**

**2799 DEFINITIONS**

2799.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

**340B Covered Entity Pharmacy** - An in-house pharmacy of an entity that meets the requirements set forth in § 340B(a)(4) of the Public Health Services Act.

**340B Contract Pharmacy** - A pharmacy dispensing drugs on behalf of a covered entity described at § 340B(a)(4) of the Public Health Services Act.

**Actual Acquisition Costs** - DHCF’s determination of the pharmacy providers’ actual prices paid to acquire drug products marketed or sold by specific manufacturers.

**Administer** - The direct application of a prescription drug to the body of the beneficiary by injection, inhalation, ingestions, or any other means to the body of a patient.

**Administration fee** - A fee reimbursed to a pharmacy that employs or contracts a pharmacist that directly applies an immunization, vaccine, or emergency anaphylaxis agent by injection or inhalation to the body of a Medicaid beneficiary.

**Anaphylaxis** - A rapidly progressing, life-threatening allergic reaction.

**Brand** - Any registered trade name commonly used to identify a drug.

**Brand name drugs** - A single source or innovator multiple source drug.

**Compound medication** - Any prescription drug, excluding cough preparations, in which two (2) or more ingredients are extemporaneously mixed by a registered pharmacist.

**Container** - A light resistant receptacle designed to hold a specific dosage form which is or maybe in direct contact with the item and does not interact physically or chemically with the item or adversely affect the strength, quality or purity of the item.

**Department of Health Care Finance (DHCF)** - The executive department responsible for administering the Medicaid program within the District of Columbia effective October 1, 2008.

**Emergency anaphylaxis agent** - A medication used to treat anaphylaxis caused by the administration of an immunization or vaccine.

**Federal Supply Schedule** - A multiple award, multi-year federal contract for medical equipment, supplies, pharmaceutical, or service programs that is available for use by federal government agencies that complies with all federal contract laws and regulations. Pricing is negotiated based on how vendors do business with their commercial customers.

**Federal Upper Limit** - The upper limits of payment established by the Centers for Medicare and Medicaid Services, consistent with the requirements set forth under 42 CFR §§ 447.512 – 447.516.

**Generic drug** - A drug that is produced and distributed without patent protection.

**Immunization** - The act of inducing antibody formation, thus leading to immunity.

**Investigational drug** - A drug that is under study but does not have permission from Food and Drug Administration to be legally marketed and sold in the U.S.

**Legend drug** - A drug that can only be dispensed to the public with a prescription.

**Medicaid Drug Rebate Program** - This program was created pursuant to the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508; 104 Stat. 1388 (OBRA '90)). The Drug Rebate program requires a drug manufacturer to enter into and have in effect a national rebate agreement with the Secretary of the Department of Health and Human Services (HHS) for states to receive Federal funding for outpatient drugs dispensed to Medicaid patients.

**Maintenance narcotic medication** - A narcotic medication that has been dispensed in quantities sufficient for thirty (30) days or more for pain management therapy.

**Multiple source drug** - A drug marketed or sold by two (2) or more manufacturers or labelers.

**Pharmacy benefit manager** - A company under contract with DHCF to manage pharmacy networks, provide drug utilization reviews, outcome management and disease management.

**Vaccination** - Administration of any antigen in order to induce immunity; is not synonymous with immunization since vaccination does not imply success.

**Written protocol** - A specific written plan for a course of medical treatment containing a written set of specific directions created by the physician for one or more patients, consistent with requirements set forth under Chapter 65 of Title 17 DCMR.

**X-DEA number** - A unique identification number (x-number) assigned by the Drug Enforcement Administration under the Drug Addiction Treatment Act of 2000 (Pub. L. 106-310; 114 Stat. 1101) in order to prescribe or dispense buprenorphine/naloxone drug preparations.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4<sup>th</sup> Street, N.W., Suite 900, Washington D.C. 20001, via telephone at (202) 442-8742, via email at [DHCFPublicComments@dc.gov](mailto:DHCFPublicComments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-017  
February 7, 2020

**SUBJECT:** Reappointment and Appointment — Multimodal Accessibility Advisory Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 304 of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016, D.C. Law 21-124, D.C. Official Code § 50-2361.31 (2019 Supp.), it is hereby **ORDERED** that:

1. **PHILIP SKLOVER**, is reappointed as a community representative member of the Multimodal Accessibility Advisory Council (the "Council"), for a term ending December 16, 2022.
2. **HEIDI CASE**, is appointed as a community representative member of the Council, replacing Kristin Duquette, for a term ending December 16, 2022.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
 MURIEL BOWSER  
 MAYOR

ATTEST:   
 \_\_\_\_\_  
 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-018  
February 7, 2020

**SUBJECT:** Appointments — Commission on Climate Change and Resiliency

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 3 of the Commission on Climate Change and Resiliency Establishment Act of 2016, effective February 18, 2017, D.C. Law 21-185, D.C. Official Code § 8-181.02 (2019 Supp.), it is hereby **ORDERED** that:

1. The following persons are appointed to the Commission on Climate Change and Resiliency (the "Commission"):
  - a. **UWE BRANDES**, as a member with demonstrable expertise in natural resources, replacing Kevin Clinton, for a term to end May 5, 2022; and
  - b. **VAUGHN PERRY**, as a member with demonstrable expertise in environmental justice, replacing Ronda Chapman, for the remainder of an unexpired term to end May 5, 2020, and for a new term to end May 5, 2022.
2. **UWE BRANDES** is appointed as the chairperson of the Commission, to serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
**MURIEL BOWSER**  
 MAYOR

**ATTEST:**   
 \_\_\_\_\_  
**KIMBERLY A. BASSETT**  
**SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

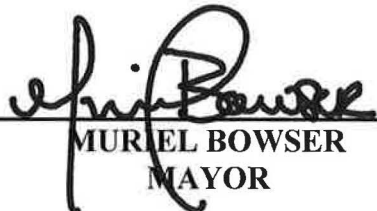
Mayor's Order 2020-019  
February 10 2020

**SUBJECT:** Appointments — District of Columbia Public Employee Relations Board

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 501 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-605.01 (2016 Repl. and 2019 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **PETER WINKLER**, pursuant to the Public Employee Relations Board Peter Winkler Confirmation Resolution of 2019, effective February 4, 2020, R23-0332, is appointed as a public member of the District of Columbia Public Employee Relations Board, replacing Charles Murphy, for a term to end December 12, 2022.
2. **DOUG WARSHOF**, is appointed as Chair of the Public Employee Relations Board, replacing Charles Murphy, to serve at the pleasure of the Mayor.
3. **EFFECTIVE DATES:** This Order shall be effective *nunc pro tunc* to the date of confirmation for item 1 and immediately for item 2.



\_\_\_\_\_  
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 2020-020  
February 12, 2020


**SUBJECT:** Reappointments and Appointments — District of Columbia Commission for National and Community Service

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to Mayor's Order 2013-171, dated September 19, 2013, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the District of Columbia Commission for National and Community Service ("Commission"), for a term to end July 31, 2021:
  - a. **BARBARA B. CLINE**, as a public member;
  - b. **EDWARD JONES**, as a representative of a local labor organization in the District of Columbia; and
  - c. **NATHANIEL THOMAS**, as a public member.
2. The following persons are reappointed as members of the Commission, for a term to end July 31, 2022:
  - a. **NAJMAH AHMAD**, as a representative of the delivery of educational services to communities and persons;
  - b. **CAROLINA CELNIK**, as a representative of the volunteer sector;
  - c. **LOUIS HENDERSON**, as a public member;
  - d. **LEVAR JONES**, as a public at-large member;
  - e. **JOHNNIE RICE**, as a public member; and
  - f. **CHARICE ROPER-WILLIAMS**, as a representative of the volunteer sector.
3. The following persons are appointed as members of the Commission, for a term to end July 31, 2022:
  - a. **DAVID HORWITZ**, as a public member at-large, replacing Raymond Weeden;
  - b. **KATHLEEN KERNICH**, as a public member, replacing Sharon Riegsecker; and
  - c. **ANN PHARR**, as a public at-large member, replacing Lauren Waldron.

- 4. The following person is appointed as a member of the Commission, for a term to end July 31, 2021:
  - a. **CHAUNTAY MICKENS**, as a public member, replacing Hampton Watson.
- 5. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
\_\_\_\_\_  
MURIEL BOWSER  
MAYOR

ATTEST:   
\_\_\_\_\_  
KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2020-021  
February 12, 2020

**SUBJECT:** Appointments— Commission on Latino Community Development

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 402 of the District of Columbia Latino Community Development Act, effective September 29, 1976, D.C. Law 1-86, D.C. Code § 2-1322 (2016 Repl.), it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Commission on Latino Community Development (“Commission”) for terms to end September 11, 2022:
  - a. **HENDRES KELLY**, replacing Ana Reyes; and
  - b. **ALEXIS VIGIL**, replacing Jonas Minino.
  
2. The following person is appointed as a public member of the Commission to fill an unexpired term to end July 26, 2020, and reappointed for a term to end July 26, 2023:
  - a. **NELSON CRUZ**, replacing Jessie Hernandez.
  
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST:   
 \_\_\_\_\_  
 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FUNDING AVAILABILITY

School-Based Behavioral Health Services Comprehensive Expansion (Cohort 3)

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Behavioral Health’s intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DBH terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	School-Based Behavioral Health Services Comprehensive Expansion (Cohort 3)
Funding Opportunity Number:	RM0 SBH 022120
Program RFA ID#:	RM0 SBH 022120
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Child and Youth Services
DBH Administrative Unit:	Prevention and Early Intervention Division
Program Contact:	Charneta C. Scott, Ph.D. Project Manager 202-654-6175 Charneta.scott@dc.gov
Program Description:	The Department of Behavioral Health (DBH) is soliciting applications of Community Based Organizations (CBOs) within the behavioral health sector to provide school-based behavioral health services in District of Columbia Public Schools (DCPS) and District of Columbia Public Charter Schools (DCPCS). A CBO may apply to provide services based on its projected capacity to hire and place full-time licensed clinicians in school placements. A CBO shall be responsible for the implementation of services within the Comprehensive School Behavioral Health model. Cohort 3 is comprised of a total of 60 schools. Funding will support the non-billable services provided to those schools. Each CBO will be provided funding to support a 1:6 supervisor: clinician ratio.
Eligible Applicants:	<ol style="list-style-type: none"> <li>1. A community-based organization in the behavioral health sector located in the District of Columbia (DC);</li> <li>2. Eligible to participate in District-funded programs (not debarred) as evidenced by an exclusion verification;</li> </ol>

	<p>3. Have at least one service location within the District of Columbia;</p> <p>4. At least two years of experience (as of the date of the application) providing children and youth behavioral health services; and</p> <p>5. Organizations that do not have a current grant agreement with DBH to provide school-based behavioral health services in Cohort 1 or Cohort 2 schools.</p>
Anticipated Number of Awards:	Up to 60 awards (schools) (Organizations may apply for more than one award but may not exceed 25)
Anticipated Amount Available:	\$4,220,040.00
Floor Award Amount:	\$70,334.00/school
Ceiling Award Amount:	\$1,758,350.00/per 25 schools

**Funding Authorization:**

Legislative Authorization:	Local Appropriated Funds
Associated CFDA#:	N/A
Associated Federal Award ID#:	N/A
Cost Sharing/Match Required?	N/A
RFA Release Date:	Friday, February 21, 2020
Pre-Application Conference (Date):	Monday, March 2, 2020
Pre-Application Conference (Time):	2:00pm-3:00pm
Pre-Application Conference (Location/Conference Call Access):	64 New York Avenue, NE, 2 <sup>nd</sup> Floor Room 285 Washington, DC 20002 Pre-Registration required for conference call access. Contact Dr. Charneta Scott at <a href="mailto:charneta.scott@dc.gov">charneta.scott@dc.gov</a>
Letter of Intent Due Date:	Friday, February 28, 2020
Application Deadline Date:	Monday, March 23, 2020
Application Deadline Time:	4:45pm E.T.
Links to Additional Information about this Funding Opportunity:	DC Grants Clearinghouse <a href="https://opgs.dc.gov/page/opgs-district-grants-clearinghouse">https://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a>

Notes:

- A. DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
- B. Awards are contingent upon the availability of funds.
- C. Individuals are not eligible for DBH grant funding.
- D. Applicants must have a DUNS#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).
- E. Contact the program manager assigned to this funding opportunity for additional information.

**DISTRICT OF COLUMBIA  
DEPARTMENT OF BEHAVIORAL HEALTH  
BEHAVIORAL HEALTH PLANNING COUNCIL**

**NOTICE OF PUBLIC MEETING**

64 New York Ave, NE  
WASHINGTON, D.C. 20002

The District of Columbia Department of Behavioral Health, Behavioral Health Planning Council meeting will be held Friday, February 21, 2020 at 10:00 am. The meeting will be held at 64 New York Avenue NE, Washington DC 20002 in Conference Room 242. Below is the draft meeting agenda. The final agenda will be approved by the voting members at the Behavioral Health Planning Council Meeting.

If any council member or public attendee needs an accommodation, please contact Ms. J. Route, Strategic Planning and Policy Officer, at Office: (202) 671-3204 or [Jocelyn.Route@dc.gov](mailto:Jocelyn.Route@dc.gov) prior to the meeting date.

**DRAFT AGENDA**

1. Call to Order, Welcome, Introductions and Roll
2. Approvals of Agenda & Minutes
3. Department of Behavioral Health Updates
  - a. Budget Review FY21
4. Old Business
  - a. Final report of 35K Street
5. New Business
  - a. Committee Reports
    - i. Connection to Care
    - ii. Planning and Accountability
    - iii. Advocacy and Outreach
    - iv. System Redesign
  - b. Committees updates on the Clearing Work Plan
  - c. DBH Director of Communications

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Human Resources Information System Development**

E.L. Haynes Public Charter School (“ELH”) is seeking proposals from qualified vendors to provide a cloud-based human resources information system (HRIS) with excellent customer service to upgrade our current systems. We're seeking a solution that offers improved efficiencies in areas including but not limited to payroll, time, benefits, employee management, applicant tracking, compliance, and records.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, February 21, 2020. We will notify the final vendor of selection and schedule work to be completed. The RFP with bidding requirements can be obtained by contacting:

Kristin Yochum  
E.L. Haynes Public Charter School  
Email: [kyochum@elhaynes.org](mailto:kyochum@elhaynes.org)

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**

**ANNOUNCES FEBRUARY 20, 2020 PUBLIC MEETING  
FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT  
ENHANCEMENT COMMITTEE**

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee as follows:

**12:30 p.m. – 2:00 p.m.  
Thursday February 20, 2020  
1050 First St. NE, Washington, DC 20002  
Conference Room 536 (LeDroit Park)**

For additional information, please contact:

Ronda Lasko, Director  
Office of Public Charter School Financing and Support  
Office of the State Superintendent of Education  
1050 First St. NE, Fifth Floor  
Washington, DC 20002  
(202) 741-5099  
[Ronda.Lasko@dc.gov](mailto:Ronda.Lasko@dc.gov)

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the February 20, 2020, committee meeting
- III. Approval of minutes from January 16, 2019, committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. I Dream PCS - \$300,000 Direct Loan Request

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the [public meetings calendar](#) no later than two (2) business days prior to the meeting.



## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY (NOFA)

## FISCAL YEAR (FY) 2020-21

PRE-KINDERGARTEN ENHANCEMENT AND EXPANSION PROGRAM  
FUNDING**Application Release Date: February 28, 2020**

The Office of the State Superintendent of Education (OSSE), Division of Early Learning, is soliciting applications for the allocation of Pre-K Enhancement and Expansion funding. OSSE will distribute funding to community-based organizations (CBOs)<sup>1</sup> pursuant to the Pre-K Enhancement and Expansion Amendment Act of 2008, (the “Act”), effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*) and its implementing regulations (5-A DCMR Chapter 35).

The purpose of this allocation is to distribute funding, per student, as appropriate, in an amount not to exceed the uniform per student funding formula (“UPSFF”)<sup>2</sup> pursuant to section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321- 107; D.C Official Code § 38-1804.01), to CBOs providing pre-K education services<sup>3</sup> that meet the eligibility requirements and the high-quality standards set forth in section 201 of the Act (D.C. Code § 38-272.01) and its implementing regulations (5-A DCMR § 3500.3 and 3501). A supplemental allocation equivalent to the at-risk weight may be distributed for pre-K age students in foster care, who are homeless or receive TANF or SNAP funds pursuant to the Early Learning Equity in Funding Amendment Act of 2017, effective Aug 1, 2017 (D.C. Law 22-9; D.C. Official Code § 38-271.06)).

The allocation of the Pre-K Enhancement and Expansion funding is currently not a competitive grant process. However, if the amount appropriated to OSSE is insufficient to fund all high-quality pre-K programs that meet the eligibility requirements and the high-quality standards, OSSE may distribute the funds through a competitive grant process (see “*Competitive Grant, If Applicable*” below).

**Eligibility:** In order to apply for an allocation of Pre-K Enhancement and Expansion funding, a CBO providing pre-K education services to children ages 3 to 4 shall:

1. Be currently licensed and maintain compliance pursuant to Chapter 1 of Title 5A of the District of Columbia Municipal Regulations (5-A DMCR Chapter 1);
2. Be currently accredited by a national accrediting body approved by OSSE;
3. Complete and submit a high-quality designation application on a form furnished by OSSE, which demonstrates that the CBO meets each of the following:
  - 1) Eligibility criteria pursuant to 5-A DCMR § 3500.3; and
  - 2) High-quality standards pursuant to 5-A DCMR § 3501; and
4. Attend the entire pre-application conference.

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<sup>1</sup> “Community-based organization” or “CBO” means a Head Start or early childhood education program operated by a non-profit, for-profit or faith-based organization, or organization that participates in local or federally-funded early childhood programs, including the Child Care Subsidy Program.

<sup>2</sup> Rates will be final upon the legislative enactment of the Fiscal Year 2021 Budget Support Act of 2020.

<sup>3</sup> “Pre-K education service” means the purposeful, well planned and developmentally appropriate practice and instruction provided by community-based organizations to pre-K age children.

OSSE will host the aforementioned mandatory Pre-K Enhancement and Expansion pre-application conference on the date, time, and location listed below. Given the importance of the information that will be presented throughout the entire conference, no one will be allowed to join the session after the pre-application conference begins. Attendance will be taken at the beginning and end of the pre-application conference. Failure to attend the entire pre-application conference will result in a disqualification of the high-quality designation application. [Click here](#) to register for the pre-application conference.

Date	Time	Location
Friday, March 13, 2020	10:00-12:00 p.m.	Office of the State Superintendent of Education 1050 First St. NE - First Floor – Eleanor Holmes Norton III

The Pre-K Enhancement and Expansion high-quality designation application will be posted on **Friday, February 28, 2020** on OSSE’s [website](#).

**Application Due Date**

Applicants have two options to submit the completed high-quality designation application and all supporting documentation: 1) using the FY21 PKEEP [google form](#) or 2) using the electronic form that can be emailed to Christina Crayton, early childhood education policy officer, via e-mail at [Christina.Crayton@dc.gov](mailto:Christina.Crayton@dc.gov). The completed application package must be received by OSSE no later than **Monday, April 6, 2020 at 5:00 pm EDT**. OSSE reserves the right to not consider incomplete or late submissions.

**Competitive Grant Process, If Applicable**

If OSSE does not receive an appropriation amount sufficient to fund all high-quality pre-K programs that meet the eligibility requirements and the high-quality standards, OSSE will allocate the funds through a competitive grant process. In that case, a Request for Application (RFA) will be released on **Monday, June 1, 2020** on OSSE’s [website](#).

For additional information regarding this NOFA, please contact:

Christina Crayton  
 Early Childhood Education Policy Officer  
 Policy, Planning, and Research Unit  
 Division of Early Learning  
 Office of the State Superintendent of Education (OSSE)  
 Government of the District of Columbia  
 1050 First St. NE, Sixth Floor  
 Washington, DC 20002  
 Office: (202) 442-4716  
[Christina.Crayton@dc.gov](mailto:Christina.Crayton@dc.gov)

**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 7D06**

Petition Circulation Period: **Tuesday, February 18, 2020 thru Monday, March 9, 2020**

Petition Challenge Period: **Thursday, March 12, 2020 thru Wednesday, March 18, 2020**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections  
1015 Half Street, SE, Room 750  
Washington, DC 20003**

For more information, the public may call **727-2525**.

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue an air quality permit (No. 6232-R2) to the Architect of the Capitol, Capitol Power Plant, to operate one (1) 300 hp (223.8 kWm) diesel-fired emergency fire pump at 25 E Street SE, Washington DC 20560. The contact person for facility is Francie Altermatt, Environmental Engineer at (202) 226-2309.

Emissions:

Maximum emissions from the 300 hp diesel-fired emergency fire pump operating five hundred (500) hours per year, is expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.04
Oxides of Sulfur (SO <sub>x</sub> )	0.15
Nitrogen Oxides (NO <sub>x</sub> )	0.86
Volatile Organic Compounds (VOC)	0.05
Carbon Monoxide (CO)	0.17

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the

person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permits.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments submitted after March 16, 2020 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF ENERGY AND ENVIRONMENT**

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC, intends to issue Permit Nos. 7280 through 7283 to The Catholic University of America to construct and operate four (4) identical 6.0 million Btu per hour dual fuel fired boilers at 3602 John McCormack Drive NE, Washington DC 20064. The contact person for the facility is Louis Alar, Senior Director, Environmental Health & Safety, at (202) 319-5789.

Emissions:

Maximum potential emissions from the equipment are not expected to exceed the following:

Pollutant	Maximum Estimated Emissions from All Four Units (Tons Per Year)
Oxides of Nitrogen (NO <sub>x</sub> )	5.21
Volatile Organic Compounds (VOC)	0.57
Sulfur Dioxide (SO <sub>2</sub> )	0.37
Total Particulate Matter (PM Total)*	0.88
Carbon Monoxide (CO)	4.68
Total Hazardous Air Pollutants (HAP)	0.19

\*PM Total includes both filterable and condensable fractions.

Emission Limitations:

The following are the emission limits proposed for inclusion in the permit:

- a. Each of the four (4) 6.0 MM BTU per hour dual fuel–fired boilers shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel Oil) (lb/hr)
Carbon Monoxide (CO)	0.27	0.21
Oxides of Nitrogen (NO <sub>x</sub> )	0.26	0.86
Total Particulate Matter (PM Total)*	0.04	0.14
Sulfur Dioxide (SO <sub>2</sub> )	0.004	0.30

\*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. Total suspended particulate matter (TSP) emissions from each of the boilers shall not be greater than 0.11 pounds per million BTU. [20 DCMR 600.1].
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- e. NOx and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.8(a) and (b)]:
  1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
  2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NOx and, to the extent practicable, minimize emissions of CO;
  3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
  4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in the emission limitations in this permit.

The permit applications and supporting documentation, along with the draft permits are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permits.

Comments on the draft permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor

Washington DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments submitted after March 16, 2020 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.



**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF REVISION TO STORMWATER MANAGEMENT GUIDEBOOK**

Notice is hereby given that the Department of Energy and Environment (DOEE) is adopting a revised Stormwater Management Guidebook (SWMG), which is available at <http://doee.dc.gov/swguidebook>. DOEE has updated and expanded the SWMG to be consistent with regulatory amendments that are included in this issue of the *D.C. Register*. DOEE has also updated and expanded the SWMG to incorporate technical changes to stormwater Best Management Practice design standards and to clarify existing guidelines and processes. This revision also includes previous changes that DOEE published as Clarifications in 2014 and 2017.

DOEE's adoption of the revised SWMG comes after publication of notice regarding the proposed revision in the February 15, 2019, issue of the *D.C. Register* (66 DCR 0078893). DOEE has closely reviewed all of the comments that were received on the proposed revisions to the SWMG during the 45-day public comment period and is finalizing the proposed revisions. A summary of the public comments submitted, including DOEE response, is available at <http://doee.dc.gov/swguidebook>.

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
February 26, 2020

On FEBRUARY 26, 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 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.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DISTRICT OF COLUMBIA HOUSING PRODUCTION TRUST FUND BOARD  
MEETINGS**

**Notice of the 2020 Public Meeting Schedule**

The DC Department of Housing and Community Development hereby announces that the District of Columbia Housing Production Trust Fund Board will hold regularly scheduled public meetings in the year 2020, on the third Thursday of each month at 12:30 p.m. on the following dates:

February 20 <sup>th</sup> Regular Meeting
March 19 <sup>th</sup> Regular Meeting
April 16 <sup>th</sup> Regular Meeting
May 21 <sup>st</sup> Regular Meeting
June 18 <sup>th</sup> Regular Meeting
July 16 <sup>th</sup> Regular Meeting
August 20 <sup>th</sup> Regular Meeting
September 17 <sup>th</sup> Regular Meeting
October 15 <sup>th</sup> Regular Meeting
November 19 <sup>th</sup> Regular Meeting
December 17 <sup>th</sup> Regular Meeting

The public meetings shall take place at the DHCD Headquarters, 1800 Martin Luther King Jr., Avenue. For additional information, please call 202-442-7200.

**HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS & SCIENCE****NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS****Brokerage Services for Health Insurance and Employee Benefits**

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be will be accepting bids for the following services:

**1. Brokerage Services for Health Insurance & Employee Benefits :**

Brokerage Services for Health Insurance and Employee Benefits -To provide brokerage services for a contract period of ONE year, with the ability to renew for TWO more consecutive years.

Interested parties should contact Ms. Leslie Boler (202) 806-7725, or via email at [Leslie@hu-ms2.org](mailto:Leslie@hu-ms2.org) beginning Tuesday, February 18, 2020 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Friday, February 28, 2020 by 4:30 pm.**

**All bids not addressing all areas as outlined in the RFP will not be considered.** Bids received after the time established for the receipt of bids will not be considered regardless of the cause for the delay in the receipt of any such bid.

**HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS & SCIENCE  
PUBLIC CHARTER SCHOOL**

**NOTICE OF REQUEST FOR PROPOSALS**

**Payroll Services**

Notice is hereby given that Howard University Middle School (hereinafter referred to as “**Howard University Middle School**”) is requesting proposals for a provider of payroll services (hereinafter referred to as **Proposer(s)**) to assist with Howard University Middle School ’s operation of its single site school.

Proposers should not construe from this notice that Howard University Middle School intends to enter into a contract with the Proposer unless, in the opinion of Howard University Middle School, it is in the best interest of Howard University Middle School to do so. Howard University Middle School reserves the right to negotiate final contractual terms with the successful Proposer.

To request the RFP documents by e-mail or postal mail, please contact:

**Leslie Boler, Human Resources Director**

[leslie@hu-ms2.org](mailto:leslie@hu-ms2.org)

Howard University Middle School of Mathematics and Science

405 Howard Pl NW

Washington, DC 20059

Howard University Middle School will record and provide answers to any questions or requests for clarifying information about the RFP through March 27, 2020. All questions should be sent via email to [leslie@hu-ms2.org](mailto:leslie@hu-ms2.org) with the email subject line – “Payroll Services RFP 2020”.

Proposers must submit written proposals via email or in a sealed package, which should be labeled: “Proposal – Payroll Services 2020” Addressed to:

Leslie Boler, Human Resources Director

[leslie@hu-ms2.org](mailto:leslie@hu-ms2.org)

Howard University Middle School of Mathematics and Science

405 Howard Pl NW

Washington, DC 20059

Howard university middle school will accept all proposals received on or Before **Wednesday, March 1, 2020**. Except for unusual circumstances as determined by Howard University Middle School, Howard University Middle School will not accept proposals that are received after **Wednesday, March 1, 2020**.

Howard University Middle School reserves the right to reject any or all proposals, and to waive any errors or corrections in a proposal or in the proposal process. Howard University Middle School will award the contract based on a review and analysis of the proposals that determines which proposal best meets the needs of Howard University Middle School. following the review and analysis of all responsive proposals, Howard University Middle School staff will make a recommendation to The Howard University Middle School Board of Directors at a duly noticed board meeting. the Howard University Middle School Board of Directors is responsible for selecting the schools' provider of payroll and related services.

**DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**  
**BULLETIN OF FOUNDERS BANK CHARTER APPLICATION**

Pursuant to D.C. Official Code § 26-704(b)(1)(A), the Commissioner of Department of Insurance, Securities and Banking (the “Department”) hereby gives notice that the Department has received the following application to organize a de novo community bank in the District of Columbia:

Applicant:                   **Founders Bank**

Proposed Location:   **District of Columbia**

Any person that would like to comment on this application may do so by submitting written comments within 20 days from the date of publication of this notice in the D.C. Register to:

Brian Williams, Associate Commissioner for Banking  
Department of Insurance, Securities and Banking  
1050 First Street, N.E., Suite 801  
Washington, D.C. 20002

The public file for this application is available for inspection at the Department during regular business hours from 8:30 a.m. to 5:00 p.m. at the address listed above.

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****General Contractor Services**

KIPP DC is soliciting proposals from qualified vendors for General Contractor Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on February 28, 2020. Questions should be addressed to [kevin.mehm@kippdc.org](mailto:kevin.mehm@kippdc.org).



**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL  
NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**

**Early Start Construction Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with MCN Build for early start construction services in school year 2019-20. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2020.

The scope of work is procurement for long lead time materials that are required in preparation for construction services including the release of the following trades: masonry, miscellaneous metal, rough carpentry, waterproofing, door & frame, skylight, drywall, ceramic tile, equipment, fire protection, mechanical, plumbing and electrical.

The subject property is located at 5000 14<sup>th</sup> Street NW, Washington, DC.

MCN Build participated in pre-construction activities for the subject property with the project team to provide accurate and timely costing, constructability and value engineering information at the start of the conceptual phase and demolition permitting.

MCN Build performs a wide range of services from delivering large educational campuses to mixed-use facilities, corporate offices, and community centers.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to [accounting@lambpcs.org](mailto:accounting@lambpcs.org), no later than COB Friday, February 21, 2020.

**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL  
NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**

**Financial Advisory Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with Building Hope Services LLC (BHS) for financial advisory services in school year 2019-20. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2020.

LAMB acquired the subject property located at 5000 14<sup>th</sup> Street NW, Washington, DC. Efforts are underway to rehabilitate the property in time for the 2020-2021 school year.

The subject property had been intended to be developed and owned by the BHS affiliate Building Hope Fourteenth Street Inc, and then leased to LAMB with an option to purchase at a latter date. Ownership of the property was assigned by Building Hope Fourteenth Street Inc. to LAMB on January 13, 2020. As owner, LAMB needs to contract with BHS in order to secure long term financing for the project.

BHS will primarily be responsible for formulating a variety of advantageous options for LAMB's undertaking of the project which involves the refinance of existing debt, and the financing of new construction, installation, equipping, and for implementing the strategy and structure of the project-related financing option(s) selected by LAMB for execution.

BHS is a Registered Municipal Advisor in good standing with the Municipal Securities Rulemaking Board and will have a fiduciary duty to LAMB in providing the services.

BHS or its affiliates have successfully delivered similar services to LAMB at each of its three current facilities.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to [accounting@lambpcs.org](mailto:accounting@lambpcs.org), no later than COB Friday, February 21, 2020.

**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL  
NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT**

**Information Technology Design Build Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with Genesys Impact (Genesys) for information technology design build services in school year 2019-20. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2020.

LAMB acquired the subject property located at 5000 14<sup>th</sup> Street NW, Washington, DC, in January 2020. Efforts are underway to rehabilitate the property in time for the 2020-2021 school year.

Genesys will be responsible for the design of the low voltage system as well as purchase of material and installation of low voltage analog phone lines for elevator/fire/security. Additionally, the scope of work includes the deinstallation and installation of existing AV systems, including a smart board and projectors. Genesys will design and install a paging system throughout the entirety of the school. The security scope will include the design of the security system to include cameras, monitoring systems and an AI phone for guest entry.

Genesys successfully provided similar services previously to LAMB at each of its three current facilities.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to [accounting@lambpcs.org](mailto:accounting@lambpcs.org), no later than COB Friday, February 21, 2020.

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

The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a request submitted by Friendship Public Charter School (Friendship PCS) and Achievement Prep Public Charter School (Achievement Prep PCS) on February 3, 2020, for several amendments, including an asset acquisition of an Achievement Prep campus, a new location for Friendship PCS, and a decreased enrollment ceiling for Achievement Prep PCS. If approved, these amendments will take effect in SY 2020-21.

Effective July 1, 2020, Achievement Prep PCS will transfer the assets of its Wahler Place Middle School campus to Friendship PCS, and beginning in SY 2020-21, all rising 4<sup>th</sup>-7<sup>th</sup> grade students from Achievement Prep PCS will be enrolled at Friendship PCS Southeast Middle. To minimize disruption to students from Wahler Place Middle School, Friendship PCS will temporarily sublease the facility where Wahler Place Middle School currently operates at 904 Wahler Place SE, for a single school year in 2020-21, where it will only serve students in grades 4-8 who were previously enrolled at Achievement Prep PCS. In SY 2021-22, Friendship PCS will consolidate all of the students enrolled at its Southeast Middle campus to a single location at 645 Milwaukee Place SE, in Ward 8. Given Achievement Prep PCS will not serve grades 4-8 in SY 2020-21, DC PCSB will reduce the school's enrollment ceiling by 355 students, to a new maximum enrollment ceiling of 685 students for SY 2020-21 and beyond. Achievement Prep PCS will continue to serve grades PK3-3.

**DATES:**

- Comments must be submitted on or before February 13, 2020.
- Public hearing will be held on February 13, 2020, at 4:30 pm. For location, please check [www.dcpsb.org](http://www.dcpsb.org).
- Board vote will be held on February 13, 2020, at 4:30 pm. For location, please check [www.dcpsb.org](http://www.dcpsb.org)

**ADDRESSES:** You may submit comments, identified by "Achievement Prep and Friendship PCS - Notice of Petition for Asset Acquisition," by one of the following methods:

1. Submit a written comment via:
  - (a) E-mail: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> ST. NW., Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
2. Sign up to testify in-person at the public hearing on February 13, 2020 by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4 p.m. on Wednesday, February 12, 2020.

**FOR FURTHER INFORMATION CONTACT:** Please call (202) 328-2660.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

## Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, February 20, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2<sup>nd</sup> floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

## DRAFT AGENDA

- |     |                               |  |
|-----|-------------------------------|--|
| 1.  | Call to Order                 | Committee Chairperson  |
| 2.  | AWTP Status Updates           | Vice-President, Wastewater Ops                                     |
|     | 1. BPAWTP Performance         |  |
| 3.  | Status Updates                | Senior VP  |
| 4.  | Project Status Updates        | Director, Engineering & Technical Services                         |
| 5.  | Action Items                  | Senior VP  |
|     | - Joint Use                   |  |
|     | - Non-Joint Use               |  |
| 6.  | Water Quality Monitoring      | Senior Director, Water Ops   |
| 7.  | Action Items                  | Senior VP<br>Senior Director, Water Ops<br>Director, Customer Care |
| 8.  | Emerging Items/Other Business |  |
| 9.  | Executive Session             |  |
| 10. | Adjournment                   | Committee Chairperson  |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, February 27, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

DRAFT AGENDA

- |    |   |                       |
|----|---|-----------------------|
| 1. | Call to Order                           | Committee Chairperson |
| 2. | January 2020 Financial Report           | Committee Chairperson |
| 3. | Agenda for March 2020 Committee Meeting | Committee Chairperson |
| 4. | Adjournment                             | Committee Chairperson |

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

## Audit Committee

The regular quarterly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Audit Committee Meetings are held in open session on the fourth Tuesday or Thursday during January, April, July and October. The following are dates and times for the regular quarterly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 23, 2020	9:30 a.m.
Thursday, April 23, 2020	9:30 a.m.
Thursday, July 23, 2020	9:30 a.m.
(Board recess in August)	
Thursday, September 24, 2020	9:30 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) are held in open session on the first Thursday of each month at 9:30 a.m. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 2, 2020	9:30 a.m.
Thursday, February 6, 2020	9:30 a.m.
Thursday, March 5, 2020	9:30 a.m.
Thursday, April 2, 2020	9:30 a.m.
Thursday, May 7, 2020	9:30 a.m.
Thursday, June 4, 2020	9:30 a.m.
Wednesday, July 2, 2020	9:30 a.m.
(Board recess in August)	
Thursday, September 3, 2020	9:30 a.m.
Thursday, October 1, 2020	9:30 a.m.
Thursday, November 5, 2020	9:30 a.m.
Thursday, December 3, 2020	9:30 a.m.



## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

## Environmental Quality &amp; Operations Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Environmental Quality & Operations Committee Meetings are held in open session on the third Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 16, 2020	9:30 a.m.
Thursday, February 20, 2020	9:30 a.m.
Thursday, March 19, 2020	9:30 a.m.
Thursday, April 16, 2020	9:30 a.m.
Thursday, May 21, 2020	9:30 a.m.
Thursday, June 18, 2020	9:30 a.m.
Thursday, July 16, 2020	9:30 a.m.
(Board recess in August)	
Thursday, September 17, 2020	9:30 a.m.
Thursday, October 15, 2020	9:30 a.m.
Thursday, November 19, 2020	9:30 a.m.
Thursday, December 17, 2020	9:30 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

## Finance and Budget Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Finance and Budget Committee Meetings are held in open session on the fourth Tuesday or Thursday of each month, or as indicated below. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website ([www.dewater.com](http://www.dewater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 23, 2020	11:00 a.m.
Thursday, February 27, 2020	11:00 a.m.
Thursday, March 26, 2020	11:00 a.m.
Thursday, April 23, 2020	11:00 a.m.
Thursday, May 28, 2020	11:00 a.m.
Thursday, June 25, 2020	11:00 a.m.
Thursday, July 23, 2020	11:00 a.m.
(Board recess in August)	
Thursday, September 24, 2020	11:00 a.m.
Thursday, October 22, 2020	11:00 a.m.
Tuesday, November 17, 2020	11:00 a.m.
Tuesday, December 15, 2020	11:00 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

## Governance Committee

The regular bi-monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Governance Committee Meetings are held in open session on the second Wednesday every other month. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Wednesday, January 8, 2020	9:00 a.m.
Wednesday, March 11, 2020	9:00 a.m.
Wednesday, May 13, 2020	9:00 a.m.
Wednesday, July 8, 2020	9:00 a.m.
(Board recess in August)	
Wednesday, September 9, 2020	9:00 a.m.
Wednesday, November 11, 2020	9:00 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

## Human Resources and Labor Relations Committee

The regular bi-monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Human Resources and Labor Relations Committee Meetings are held in open session on the second Wednesday every other month. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Wednesday, January 8, 2020	11:00 a.m.
Wednesday, March 11, 2020	11:00 a.m.
Wednesday, May 13, 2020	11:00 a.m.
Wednesday, July 8, 2020	11:00 a.m.
(Board recess in August)	
Wednesday, September 9, 2020	11:00 a.m.
Wednesday, November 11, 2020	11:00 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2020 MEETING SCHEDULE

## DC Retail Water and Sewer Rates Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Retail Water and Sewer Rates Committee Meetings are held in open session on the fourth Tuesday of each month, or as indicated below. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Tuesday, January 28, 2020	9:30 a.m.
Tuesday, February 25, 2020	9:30 a.m.
Tuesday, March 24, 2020	9:30 a.m.
Tuesday, April 28, 2020	9:30 a.m.
Tuesday, May 26, 2020	9:30 a.m.
Tuesday, June 23, 2020	9:30 a.m.
Tuesday, July 28, 2020	9:30 a.m.
(Board recess in August)	
Tuesday, September 22, 2020	9:30 a.m.
Tuesday, October 20, 2020	9:30 a.m.
Tuesday, November 17, 2020	9:30 a.m.
Tuesday, December 15, 2020	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2020 MEETING SCHEDULE

Strategic Planning Committee

The regular quarterly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Strategic Planning Committee Meetings are held in open session on the first Thursday, during March, June, and September. The following are dates and times for the regular monthly meetings to be held in 2020. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water’s website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water’s website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, March 5, 2020	11:00 a.m.
Thursday, June 4, 2020	11:00 a.m.
Thursday, September 3, 2020	11:00 a.m.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, February 25, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dewater.com](mailto:lmanley@dewater.com).

**DRAFT AGENDA**

- |    |                     |  |
|----|---------------------|--|
| 1. | Call to Order       | Committee Chairperson                  |
| 2. | Monthly Updates     | Executive VP,<br>Finance & Procurement |
| 3. | Committee Work Plan | Executive VP,<br>Finance & Procurement |
| 4. | Other Business      | Executive VP,<br>Finance & Procurement |
| 5. | Adjournment         | Committee Chairperson                  |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20078 of Sig LLC**, as amended,<sup>1</sup> pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the theoretical lot subdivision requirements of Subtitle C § 305, and under Subtitle E § 5206.1 from the minimum lot width for Mandatory Inclusionary Developments requirement of Subtitle E § 201.3, and pursuant to Subtitle X, Chapter 10, for area variances from the front setback requirements of Subtitle B § 315.1(c) and Subtitle E § 305.1, and the height and story requirements of Subtitle E § 303.2, to raze an existing detached principal dwelling unit, to create six new theoretical lots, and to construct six new flats in the RF-1 Zone at premises 1256-1258 Talbert Street, S.E. (Square 5805, Lot 824).

**HEARING DATES:** July 24, 2019; November 13, 2019; and January 15, 2020  
**DECISION DATE:** January 29, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 53A (Final Revised); Exhibit 52A (Revised); Exhibit 4 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 5, 2019, at which a quorum was present, the ANC voted 7-0-0 to oppose the application, indicating concerns by the community about traffic and parking at the property. (Exhibit 43.) The ANC also requested that the hearing be postponed to allow the Applicant an opportunity to address those issues. The Board granted the ANC's postponement request. Subsequently, the ANC submitted a second report, indicating that at a regularly scheduled, properly noticed public meeting on January 14, 2020, at which a quorum was present, the ANC voted to support the application, based on agreements reached with the Applicant. (Exhibit 56.)

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<sup>1</sup> The relief captioned was revised to update the citation to the lot width requirement for Mandatory Inclusionary Developments.



OP Report. The Office of Planning (“OP”) submitted a report recommending approval of the application. (Exhibit 40.) OP’s support was contingent on the Applicant’s submission of supplemental information to the record and the provision of a fence along the rear yards of the two flats abutting the northwest side of the subject property on Lots 1 and 4. The Applicant submitted the requested information and revised the site plan to include the recommended fence.

DDOT Report. The District Department of Transportation (“DDOT”) submitted a report indicating that it had no objection to the application. (Exhibit 39.) Although DDOT recommended that the Board adopt a condition requiring the Applicant to construct a sidewalk along the south side of Morris Road, S.E., the Board found that this condition relates to public space issues that are outside its jurisdiction.

Persons in Support. The Board received one letter in support of the application. (Exhibit 51.)

Persons in Opposition. The Board received four letters in opposition to the application. (Exhibits 32, 45, 48, and 57.) At the public hearing of January 15, a neighbor testified to raise concerns about the application.

Other Public Input. The Board received a letter from Casey Trees detailing its recommendations for the project. (Exhibit 47.)

### **Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for area variance relief from the front setback requirements of Subtitle B § 315.1(c) and Subtitle E § 305.1, and the height and story requirements of Subtitle E § 303.2.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the theoretical lot subdivision requirements of Subtitle C § 305, and under Subtitle E § 5206.1 from the minimum lot width for Mandatory Inclusionary Developments requirement of Subtitle E § 201.3

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the

burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>2</sup> AT EXHIBIT 52D.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull (by absentee vote); to APPROVE; no other Board members participating.)

**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:** February 3, 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

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<sup>2</sup> Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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. 20187 of Jon-Joseph Russo**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RA-use requirements of Subtitle U § 420.1(b), and pursuant to Subtitle X, Chapter 10, for area variances from the floor area ratio requirements of Subtitle F § 302.1, and from the lot occupancy requirements of Subtitle F § 304.1, to permit an art gallery use in the first floor and a residential second story addition to an existing semi-detached principal dwelling unit in the RA-2 Zone at premises 1101 5th Street, N.W. (Square 514, Lot 849).

**HEARING DATE:** January 29, 2020

**DECISION DATE:** January 29, 2020

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 5.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 3, 2019 at which a quorum was present, the ANC voted 4-0-0 to support the application. (Exhibit 24 (Original); Exhibit 32 (Corrected).)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 29.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 28.)

Persons in Support. Two letters were submitted in support of the application. (Exhibits 26 and 27.)

**Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for area variances from the floor area ratio requirements of Subtitle F § 302.1, and from the lot occupancy requirements of Subtitle F §

304.1, to permit a residential second story addition to an existing semi-detached principal dwelling unit 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 under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the RA-use requirements of Subtitle U § 420.1(b) to permit an art gallery use in the first floor of an existing semi-detached principal dwelling unit 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 PLANS AT EXHIBIT 7A1-7A2 – ARCHITECTURAL PLANS AND ELEVATIONS (PARTS 1 AND 2).**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter A. Shapiro to APPROVE; no other Board members participating).

### **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:** February 3, 2020

BZA APPLICATION NO. 20187  
PAGE NO. 2

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC MEETING NOTICE  
WEDNESDAY, FEBRUARY 26, 2020  
441 4<sup>TH</sup> STREET, N.W.**

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.**

**WARD TWO**

19695A      **Application of KWHP DC LLC**, pursuant to 11 DCMR Subtitle Y § 705,  
ANC 2D      for a one-year time extension of BZA Order No. 19695, to allow the  
applicant to file the proposed structure plans to the Department of  
Consumer and Regulatory Affairs for the purpose of securing a building  
permit in the MU-15 Zone at premises 1315 16th Street, N.W. (Square  
195, Lot 846).

**PLEASE NOTE:**

Failure of an applicant to supply a complete application to the Board, and address the required standards of proof for the application, may subject the application or appeal to postponement, dismissal or denial. The public meeting 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. Individuals and organizations interested in any application may submit written comments to the Board.

An applicant is not required to attend for the decision, but it is recommended so that they may offer clarifications should the Board have questions about the case.

Except for the 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 Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.\*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

BZA REVISED PUBLIC MEETING NOTICE

FEBRUARY 26, 2020

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The application will remain on the Expedited Review Calendar unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) OP; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at <http://dcoz.dc.gov/bza/calendar.shtm> and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

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

**Do you need assistance to participate?**

Amharic

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ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto: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](mailto: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](mailto: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](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish



## BZA REVISED PUBLIC MEETING NOTICE

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¿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](mailto: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](mailto: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**  
**LESYLLEÉ M. WHITE, MEMBER**  
**LORNA L. JOHN, MEMBER**  
**CARLTON HART, VICE-CHAIRPERSON,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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