

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 24-8 to qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits
- D.C. Council enacts Act 24-9 to allow DC public school students who are placed in the custody of a parent or custodian who resides outside the District to continue to their education without paying nonresident tuition
- D.C. Council passes Resolution 24-21 to declare the continued need for the Council to define and regulate games of skill machines
- Department of Consumer and Regulatory Affairs streamlines billing requirements for residential rental property reinspection fees and the Proactive Inspections program
- D.C. Board of Elections establishes supporting regulations for the COVID-19 Response Supplemental Emergency Amendment Act of 2020
- Office of the Deputy Mayor for Planning and Economic Development schedules an online public hearing to obtain community input on the proposed disposition of the St. Elizabeths East property located at 1100 Alabama Ave., SE
- District Department of Transportation sets the speed limit to 15 miles-per-hour on streets adjacent to health care facilities and COVID-19 testing sites
- Office of Victim Services and Justice Grants announces funding for the Fiscal Year 2021 Reentry Services Grants

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 1, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Amendment Act of 2021”.

TITLE I. COVID-19 WORKPLACE SAFETY PROTECTIONS

Sec. 101. Definitions.

ENROLLED ORIGINAL

For the purposes of this title, the term:

(1) "Adverse employment action" means an action that an employer takes against an employee, including a threat, verbal warning, written warning, reduction of work hours, suspension, termination, discharge, demotion, harassment, material change in the terms or conditions of the employee's employment, or any action that is reasonably likely to deter the employee from attempting to secure any right or protection contained in this title or to prevent or stop a violation of this title.

(2) "Active COVID-19 infection" means an infection confirmed by a diagnostic test for COVID-19 and not an antibody test.

(3) "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

(4) "Employee" includes any person suffered or permitted to work by an employer.

(5) "Employer" includes every individual, partnership, firm, general contractor, subcontractor, association, corporation, the legal representative of a deceased individual, or the receiver, trustee, or successor of an individual, firm, partnership, general contractor, subcontractor, association, or corporation employing any person in the District of Columbia. The term "employer" shall include the District government or a quasi-governmental agency. The term "employer" shall not include the United States government or its agencies.

(6) "Face covering" means a cloth face covering, face mask, or similar textile barrier that covers an individual's nose and mouth and works to reduce the spray of respiratory droplets.

(7) "Face shield" means a form of personal protective equipment made of transparent, impermeable materials intended to protect the entire face or portions of it from droplets or splashes.

(8) "Personal protective equipment" includes face coverings, disposable gloves, eye protection, face shields, disposable gowns or aprons, and plexiglass barriers.

(9) "PPE" means personal protective equipment.

(10) "Public health emergency" means the Coronavirus (COVID-19) public health emergency declared pursuant to Mayor's Order 2020-045, on March 11, 2020, and all subsequent extensions.

(11) "Workplace" means any physical structure or space, over which an employer maintains control, wherein an employee performs work for an employer; workplace does not include the home of an employee who teleworks.

Sec. 102. Employer policies and workplace protections.

(a) Beginning 7 days after the effective date of this title and during the public health emergency, employers in the District shall adopt and implement social distancing and worker protection policies to prevent transmission of COVID-19 in the workplace that adhere to the requirements of Mayor's Order 2020-080, or subsequent Mayor's Order.

ENROLLED ORIGINAL

(b)(1) An employer may establish a workplace policy to require an employee to report to the employer a positive test for an active COVID-19 infection.

(2) An employer may not disclose the identity of an employee who tests positive except to the Department of Health or another District or federal agency responsible for and engaged in contact tracing and the containment of community spread of COVID-19.

Sec. 103. Retaliation prohibited.

(a) No employer or agent thereof may take an adverse employment action against an employee for the employee’s refusal to serve a customer or client, or to work within 6 feet of an individual, who is not complying with the workplace protections established pursuant to section 102.

(b)(1) No employer or agent thereof may take an adverse employment action against an employee because:

- (A) The employee tested positive for COVID-19; provided, that the employee did not physically report to the workplace after receiving a positive test result;
- (B) The employee was exposed to someone with COVID-19 and needs to quarantine;
- (C) The employee is sick and is waiting for a COVID-19 test result; or
- (D) The employee is caring for or seeks to provide care for someone who is sick with COVID-19 symptoms or who is quarantined.

(2) Nothing in this title prohibits an employer from requiring an employee who has tested positive for COVID-19 to refrain from entering the workplace until a medical professional has cleared the employee to return to the workplace or until a period of quarantine recommended by the Department of Health or the U.S. Centers for Disease Control has elapsed.

(c) No employer or agent thereof may take an adverse employment action against an employee because of actions the employee takes to secure any right or protection contained in this title or to prevent or stop a violation of this title.

Sec. 104. Enforcement.

(a)(1) The Mayor may enforce and administer this title by conducting investigations (of the Mayor’s own volition or after receiving a complaint), holding hearings, and assessing penalties. The Mayor shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceedings before the Mayor.

(2) The Mayor may assess administrative penalties in the following amounts:

- (A) For violations of section 102, up to \$50 per violation per employee per day for a repeated or willful violation.
- (B) For violations of section 103, up to \$500 per violation.

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(b)(1) The Attorney General may enforce this title by conducting investigations (of the Attorney General's own volition or after receiving a complaint) and instituting actions. The Attorney General shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any investigation or proceeding conducted to enforce this title.

(2) The Attorney General, acting in the public interest, including the need to deter future violations, may enforce this title by commencing a civil action in the name of the District of Columbia in a court of competent jurisdiction on behalf of the District or one or more aggrieved employees.

(3) Upon prevailing in court after commencing a civil action as permitted by this subsection, the Attorney General shall be entitled to:

- (A) Reasonable attorneys' fees and costs;
- (B) Statutory penalties in an amount not greater than the maximum administrative penalties provided under subsection (a) of this section;
- (C) On behalf of an aggrieved employee, the payment of lost wages; and
- (D) Equitable relief as may be appropriate.

Sec. 105. Authority of Chief Procurement Officer.

(a)(1) The Chief Procurement Officer ("CPO"), or the CPO's designee, shall have the authority during the public health emergency, and for 90 days thereafter, to enter into an indefinite-delivery/indefinite quantity contract ("IDIQ contract") for PPE, sanitization and cleaning products, related equipment, or other goods or supplies in furtherance of the District's COVID-19 recovery efforts that permit an entity that is, or is similar to, a local business enterprise, as that term is defined in section 2302(12) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(12)) ("CBE Act"), to place orders under the IDIQ contract at the prices specified in the IDIQ contract.

(2) Priority consideration for purchasing through the IDIQ contract shall be given to an eligible entity that is also:

- (A) A small business enterprise, as that term is defined in section 2302(16) of the CBE Act;
- (B) A Resident-owned business, as that term is defined in section 2302(15) of the CBE Act; or
- (C) At least 51% owned by economically disadvantaged individuals, as that term is defined in section 2302(7) of the CBE Act, or owned by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

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(b) The CPO, or the CPO’s designee, shall monitor and review, and may establish standards, procedures, or rules for IDIQ contracts entered into pursuant to subsection (a) of this section.

Sec. 106. Preemption.

(a) This title shall only apply to the conduct of employers and employees in the District to the extent it does not conflict with or is not preempted by federal law, regulation, or standard.

(b) To the extent a Mayor’s Order issued pursuant to sections 5 and 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149, D.C. Official Code §§ 7-2304, 7-2304.01), is related to the wearing of PPE and requires employers, employees, or other individuals to adhere to stricter safety standards, policies, or protocols than those required under section 102, the Mayor’s Order shall control.

TITLE II. PERSONAL PROTECTIVE EQUIPMENT GRANT PROGRAM

Sec. 201. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“Sec. 2317. Personal Protective Equipment emergency grant program.”.

(b) A new section 2317 is added to read as follows:

“Sec. 2317. Personal protective equipment grant program.

“(a)(1) Beginning October 1, 2020, during the public health emergency, and subject to the availability of funds, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), issue a grant to an eligible small business; provided, that the eligible small business:

“(A) Submits a grant application in the form and with the information required by the Mayor;

“(B) Submits a clear statement describing the type and quantities of PPE purchased or to be purchased; and

“(C) Demonstrates, to the satisfaction of the Mayor, financial distress caused by a reduction in business revenue due to the circumstances giving rise to or resulting from the public health emergency.

“(2) A grant issued pursuant to this section may be provided in an amount up to \$1,000 per eligible small business for the purchase of or reimbursement for purchases of PPE made on or after the enacted date of the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020, 2020, effective August 13, 2020 (D.C. Act 23-384; 67 DCR 9870).

ENROLLED ORIGINAL

“(b) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of administering the grant program and making subgrants on behalf of the Mayor in accordance with the requirements of this section.

“(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue rules to implement the provisions of this section.

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

“(1) “Eligible small business” means a business enterprise eligible for certification as a small business enterprise under section 2332 or a nonprofit entity.

“(2) “Public health emergency” means the Coronavirus (COVID-19) public health emergency declared pursuant to Mayor’s Order 2020-045, on March 11, 2020, and all subsequent extensions.

“(3) “PPE” means personal protective equipment, including face masks, disposable gloves, face shields, and plexiglass barriers.”.

TITLE III. FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

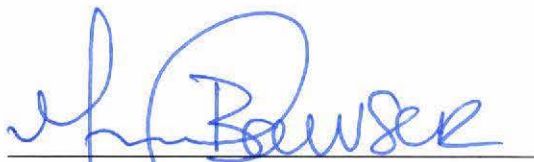
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 1, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 1, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Unemployment Benefits Extension Congressional Review Emergency Amendment Act of 2021”.

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

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

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

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

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

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

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

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

“(iii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under section 4105 of the Families First Act, or any subsequent amendment to the Families First Act, or other federal law.”.


ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

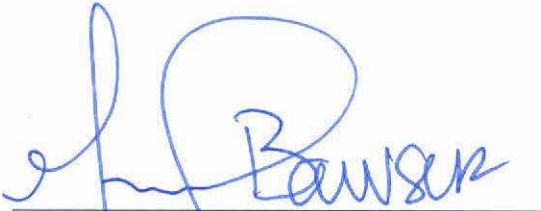
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 1, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 1, 2021

To amend, on an emergency basis, 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..

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Non-Public Student Educational Continuity Emergency Amendment Act of 2021”.

Sec. 2. Section 2(e) of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(e)), is amended as follows:

(a) Strike the phrase “school, ceases” and insert the phrase “school, or while enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to section 103 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.03) (“Placement Act”), ceases” in its place.

(b) Strike the phrase “currently attends.” and insert the phrase “currently attends, if the child attends a DCPS or public charter school, or the remainder of the school year in which the change in care and custody occurs and through the end of the following school year, if the child is currently enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to section 103 of the Placement Act.” in its place.

Sec. 3. Applicability.

This act shall apply as of January 28, 2021.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 1, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 24-10

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 3, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Government Grant Transparency Congressional Review Emergency Amendment Act of 2021”.

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

Sec. 3. Applicability.
This act shall apply as of January 13, 2021.

Sec. 3. Fiscal impact statement.
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

Sec. 4. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor

District of Columbia

February 1, 2021

ENROLLED ORIGINAL

A RESOLUTION

24-16

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA\

February 2, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to symbolically designate the 300 block of 14th Place, N.E., in Ward 6, as Gail Cobb Way.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Gail Cobb Way Designation Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On November 10, 2020, the Council approved the Gail Cobb Way Designation Emergency Act of 2020, effective December 7, 2020 (D.C. Act 23-516; 67 DCR 14423), which will expire on March 6, 2021. The legislation symbolically designated the 300 block of 14th Place, N.E., in Ward 6 as “Gail Cobb Way”, to honor the memory of Metropolitan Police Officer Cobb, who was killed in the line of duty on September 20, 1974, becoming the first Black woman killed in the line of duty in the United States.

(b) Also on November 10, 2020, the Council approved the Gail Cobb Way Designation Act of 2020, enacted on December 7, 2020 (D.C. Act 23-508; 67 DCR 14405), which is pending congressional review.

(c) The Gail Cobb Way Designation Congressional Review Emergency Act of 2021 is necessary to ensure that there is no gap in legal authority between March 6, 2021, and the effective date of D.C. Act 23-508.

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 Gail Cobb Way Designation Congressional Review Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-17

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “CleanEnergy DC Omnibus Technical Amendment Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On October 20, 2020, the Council passed the CleanEnergy DC Omnibus Technical Amendment Emergency Act of 2020, effective November 17, 2020 (D.C. Act 23-482; 67 DCR 13858) (“emergency act”), which expires on February 14, 2021.

(b) On November 10, 2020, the Council passed the CleanEnergy DC Omnibus Technical Amendment Temporary Act of 2020, enacted on December 7, 2020 (D.C. Act 23-500; 67 DCR 14383) (“temporary act”), which is pending congressional review.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the CleanEnergy DC Omnibus Technical Amendment Congressional Review Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-18

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to require the Metropolitan Police Department to timely report overspending in overtime pay to the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Police Department Overtime Spending Accountability Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On November 17, 2020, the Council passed the Metropolitan Police Department Overtime Spending Accountability Emergency Act of 2020, effective December 9, 2020 (D.C. Act 23-523; 67 DCR 14442) (“emergency act”), which will expire on March 8, 2021.

(b) On December 1, 2020, the Council passed the Metropolitan Police Department Overtime Spending Accountability Temporary Act of 2020, enacted on December 23, 2020 (D.C. Act 23-533; 67 DCR 14777) (“temporary act”), which is currently pending congressional review and has a projected effective date of March 19, 2021.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Metropolitan Police Department Overtime Spending Accountability Congressional Review Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-19

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Coronavirus Support Temporary Amendment Act of 2020, and the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020 to modify the expiration date of the District's Streatery Program; to make the permitted hours of alcohol sales under the Streatery and Pop Up Locations Programs consistent with the Fiscal Year 2021 Budget Support Act of 2020; and to provide clarity to licensees and the public with regard to the requirements for operating under the Streatery and Pop Up Locations Programs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Revised Streatery and Pop Up Locations Programs Clarification Congressional Review Emergency Declaration Resolution of 2021".

Sec. 2. (a) In 2020, the Council passed the Revised Streatery and Pop Up Locations Programs Clarification Emergency Amendment Act of 2020, effective November 2, 2020 (D.C. Act 23-478; 67 DCR 13271) ("emergency act"), and the Revised Streatery and Pop Up Locations Programs Clarification Temporary Amendment Act of 2020, enacted on November 27, 2020; (D.C Act 495; 67 DCR 13919) ("temporary act").

(b) The emergency act expired on January 30, 2021, and the temporary act has not completed the 30-day congressional review period required by 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 has not yet become law.

(c) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary act is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Revised Streatery and Pop Up Locations Programs Clarification Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide a real property tax exemption to the properties designated as Lots 824 and 826, Square 2950, to provide recordation and transfer tax exemptions for documents recorded with respect to such properties, to require the developer to spend a certain percentage of its total project budget with certified and small business enterprises, and to require the developer to report that spending to the Department of Small and Local Business Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Children’s Hospital Research and Innovation Campus Equitable Tax Relief Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) In 2020, the Council passed emergency and temporary legislation to continue Children’s Hospital tax exemption to aide it in completing the development of its research and innovation campus. The Children’s Hospital Research and Innovation Campus Equitable Tax Relief Temporary Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-124; 67 DCR 8984) (“temporary act”), will expire on February 4, 2021.

(b) On December 1, 2020, the Council passed the Children’s Hospital Research and Innovation Campus Equitable Tax Relief Act of 2020, enacted on December 22, 2020 (D.C. Act 23-546; 68 DCR 00110 (“permanent act”), which has not completed the 30-day congressional review period required by 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 has not yet become law.

(c) It is important that the provisions of the temporary act continue in effect, without interruption, until the permanent act is law.

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 Children’s Hospital Research and Innovation Campus Equitable Tax Relief Congressional Review Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to amend Title 25 of the District of Columbia Official Code to authorize, define, and regulate games of skill.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Revised Game of Skill Machines Consumer Protections Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) In 2020, the Council passed the Revised Game of Skill Machines Consumer Protections Emergency Amendment Act of 2020, effective November 2, 2020 (D.C. Act 23-479; 67 DCR 13284) (“emergency act”), the Revised Game of Skill Machines Consumer Protections Temporary Amendment Act of 2020, enacted on November 27, 2020 (D.C. Act 496; 67 DCR 13932) (“temporary act”), and the Fiscal Year 2021 Budget Support Clarification Amendment Act of 2020, enacted January 13, 2021 (D.C. Act 23-590; 68 DCR 001156), which contains the permanent Games of Skill Machines Consumer Protections legislation (“permanent act”).

(b) The emergency act expired on December 29, 2020. Neither the temporary act nor the permanent act have completed the 30-day congressional review period required by 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)); therefore, neither is yet in effect.

(c) It is important that the provisions of the emergency act continue in effect, without interruption, until the permanent act or temporary act is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Revised Game of Skill Machines Consumer Protections Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-22

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020 to extend the report submission and sunset dates of the Police Reform Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Police Reform Commission Extension Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On December 1, 2020, the Council passed the Police Reform Commission Extension Emergency Amendment Act of 2020, effective December 26, 2020 (D.C. Act 23-556; 68 DCR 226) (“emergency act”). The emergency act extended the report submission and sunset dates of the Police Reform Commission to April 30, 2021. The emergency act is set to expire on March 25, 2021.

(b) On December 15, 2020, the Council passed the Police Reform Commission Extension Temporary Amendment Act of 2020, enacted on January 14, 2021 (D.C. Act 23-610; 68 DCR 1240) (“temporary act”), which is pending congressional review.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Police Reform Commission Extension Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-23

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to approve Modification Nos. 12 and 13 to Contract No. CW80089 with Anchor Mental Health Association, Inc. to provide Mental Health Mobile Response Crisis Services to children and youth experiencing severe emotional disturbances, 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. CW80089 with Anchor Mental Health Association, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists a need to approve Modification Nos. 12 and 13 to Contract No. CW80089 with Anchor Mental Health Association, Inc. to provide Mental Health Mobile Response Crisis Services to children and youth experiencing severe emotional disturbances and to authorize payment for the goods and services received and to be received under Modification Nos. 12 and 13.

(b) By Modification No. 12, dated July 20, 2020, the Office of Contracting and Procurement, on behalf of the Department of Behavioral Health, exercised partial option year 3 of Contract No. CW80089 with Anchor Mental Health Association, Inc. for the period from July 20, 2020, through December 19, 2020, in the amount of \$987,587.25.

(c) Modification No. 13 is now necessary to exercise the remainder of option year 3 for the period from December 20, 2020, through July 19, 2021, in the amount of \$1,382,622.15, which will increase the total contract amount for option year 3 to \$2,370,209.40.

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

(e) 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 contract period beginning July 20, 2020, through July 19, 2021.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW80089 with Anchor Mental Health Association, Inc. Approval and Payment Authorization Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to approve Modification No. 58 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 modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists a need to approve Modification No. 58 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 modification.

(b) Modification 58 is necessary to extend, on a sole-source basis, Contract No. POKV-2006-C-0064 for the period beginning January 3, 2021, through September 30, 2021, in the total not-to-exceed amount of \$7,142,671.28.

(c) 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 the modification increases the value of the contract by more than \$1 million during a 12-month period.

(d) Council approval is necessary to allow the continuation of these vital services. Without this approval, Conduent State and Local Solutions, Inc. cannot be paid for goods and services provided in excess of \$1 million for the contract period beginning January 3, 2021, through September 30, 2021.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. Approval and Payment Authorization Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-25

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 9, 12, and 14 to Contract No. DCAM-17-CS-0041C, between the Department of General Services and Blue Skye Construction, LLC, increasing the aggregate Contract amount by \$2,793,567.60 to \$24,458,454.60, and authorize payment to Blue Skye Construction, LLC for construction management services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Change Order Nos. 9, 12 and 14 to Contract No. DCAM-17-CS-0041C with Blue Skye Construction, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 9, 12, and 14 to Contract No. DCAM-17-CS-0041C (“Contract”), between the Department of General Services and Blue Skye Construction, LLC (“Contractor”) for construction management services for the Ward 6 Short Term Housing facility, to increase the Contract amount by \$2,793,567.60 to the aggregate amount of \$24,458,454.60 and to authorize payment to the Contractor for services received and to be received under these change orders.

(b) Change Order Nos. 6, 7, 8, 10, 11, and 13 had \$0 values. Change Order No. 9, executed on February 11, 2020, increased the Contract amount by \$400,112.23 and Change Order No. 12, executed on May 28, 2020, increased the Contract amount by \$597,741.86. Change Order Nos. 6 through 13 increased the aggregate Contract amount by \$997,854.09, an amount less than \$1 million; thus, Council approval was not required.

(c) Proposed Change Order No. 14 would increase the aggregate Contract amount by \$1,795,713.51, from \$22,064,999.23 to \$24,458,454.60. The aggregate amount of Change Order Nos. 6 through 14 is \$2,793,567.60, an amount in excess of \$1 million during a 12-month period. Therefore, Council approval of Change Order No. 14 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 Change Order Nos. 9, 12, and 14 is necessary to allow the continuation of essential construction management services at the Ward 6 Short Term Family

ENROLLED ORIGINAL

Housing facility, and to authorize compensation to the Contractor for services received and to be received under these change orders.

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 Change Order Nos. 9, 12 and 14 with Blue Skye Construction, LLC Approval and Payment Authorization Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-26

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to proposed Modification No. 4 to Contract No. CFOPD-18-C-018 with Tax Management Associates, Inc. to continue to provide audit services related to District residential property tax relief programs for the Office of the Chief Financial Officer, Office of Tax and Revenue, and to authorize payment for 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. CFOPD-18-C-018 Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists an immediate need to approve proposed Modification No. 4 to Contract No. CFOPD-18-C-018 with Tax Management Associates, Inc. (“Contract”) to continue provide audit services related to District residential property tax relief programs for the Office of the Chief Financial Officer, Office of Tax and Revenue and to authorize payment for services received and to be received under the contract.

(b) The increase in funding for this contract will support the goal of increased taxpayer compliance with the residential real property tax relief programs. Over the life of this contract, the vendor has found numerous cases of real property tax avoidance by residents of the District. Continuing to receive these audit services will help to further ensure fair and consistent collection of tax revenues.

(c) On May 1, 2020, Modification No. 2 was issued to exercise Option Year 2 of the Contract for a 12-month period from May 4, 2020, through May 3, 2021, in the total estimated amount of \$480,000.

(d) On August 4, 2020, Modification No. 3 was issued to increase the estimated quantity of captured tax collections, which increased the total estimated amount of the Contract to \$983,130.83, an amount less than \$1 million; thus, Council approval was not required.

(e) Proposed Modification No. 4 will further increase the estimated quantity of captured tax collections, which will increase the total estimated the amount of the Contract to \$2,983,180 and will increase the overall expenditures under the Contract to more than \$1 million during a 12-month period; therefore, Council approval is required.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-18-C-018 Approval and Payment Authorization Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-27

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCCB-2021-C-0001 with Systems & Methods, Inc. to provide collection, processing, and distribution of child support services, and to authorize payment for the goods and services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCCB-2021-C-0001 with Systems & Methods, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists a need to approve Contract No. DCCB-2021-C-0001 with Systems & Methods, Inc. to provide collection, processing, and distribution of child support services and to authorize payment for the goods and services to be received under the contract.

(b) The Office of the Attorney General desires to execute Contract No. DCCB-2021-C-0001 for 5 years in the total not-to-exceed amount of \$8,547,750.

(c) Council approval is necessary to allow the District to receive the benefit of the vital services that collection, processing, and distribution of child support services will provide under Contract No. DCCB-2021-C-0001.

(d) These critical services can only be obtained through an award of the multiyear contract to provide collection, processing, and distribution of child support services.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCCB-2021-C-0001 with Systems & Methods, Inc. Approval and Payment Authorization Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-RSKM-21-C-00015 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD for the provision of Healthcare Professional Liability, General Liability Physicians, and Excess Liability insurance coverage, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-RSKM-21-C-00015 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-RSKM-21-C-00015 (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Ascot Underwriting Bermuda, LTD (“Ascot”) to provide Healthcare Professional Liability, General Liability Physicians, and Excess Liability insurance coverage to the Hospital and to authorize payment for the services received and to be received under this Contract.

(b) The proposed Contract seeks to provide Healthcare Professional Liability, General Liability Physicians, and Excess Liability insurance coverage to the Hospital for the period November 23, 2020, through November 23, 2021, in the amount of \$3.353 million.

(c) Not only did the Hospital change its broker mid-year, but early proposals received appeared to assess higher premiums due to COVID-19 standard increases for all hospitals, instead of the Hospital’s actual activity. Additionally, new tax rules in the District and Bermuda necessitated a more coordinated review and reconciliation for a Clean Hands Certification to be issued. But for these issues, particularly the time taken to ensure maximum contract value for Hospital risk, the proposed Contract would have been timely transmitted to Council.

(d) Council approval is necessary as this Contract exceeds \$1 million in a 12-month period.

ENROLLED ORIGINAL

(e) Council approval of the Contract is necessary to ensure that the Hospital remains adequately and appropriately insured. Without this approval, Ascot cannot be paid for services provided in excess of \$1 million for the period November 23, 2020, through November 23, 2021.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHC-RSKM-21-C-00015 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD Approval and Payment Authorization Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable assisted living units for Contract No. 2019-LRSP-07A with Abrams Hall North, LP for program units at Abrams Hall Senior Assisted Living, located at 1320 Main Drive, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Local Rent Supplement Program Contract No. 2019-LRSP-07A Approval Resolution of 2021”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the long-term subsidy contract, Contract No. 2019-LRSP-07A with Abrams Hall North, LP to provide an operating subsidy in support of 54 assisted living units in an initial amount not to exceed \$388,800 annually.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to prohibit a third-party meal delivery platform from arranging to deliver a meal order from a restaurant without first obtaining an agreement with the restaurant expressly authorizing the third-party meal delivery platform to collect meal orders and deliver meals prepared by the restaurant.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fair Meals Delivery Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor's Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. Additional mayoral orders have since been issued.

(b) As a result of the public health emergency, restaurants have been operating at a limited capacity. The public health emergency has forced many consumers to order more take-out meals from their homes using websites, mobile applications, or other internet services.

(c) Many times, the websites, mobile applications, or other internet services are not operated by restaurants but rather by a third-party meal delivery platform.

(d) As a matter of principle, a restaurant should know who or what third-party meal delivery platform is providing meal-delivery services for consumers who order meals from its restaurant.

(e) The underlying emergency would ensure that a third-party meal delivery platform must first obtain an express agreement from a restaurant to collect meal orders and deliver meals prepared by the restaurant to consumers.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Fair Meals Delivery Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to amend the Business Improvement Districts Act of 1996 to statutorily establish the expiration date of the first term of the Adams Morgan BID.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adams Morgan Business Improvement District Emergency Declaration Resolution of 2021”.

Sec. 2. (a) Section 19 of the Business Improvement Districts Act of 1996, Effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.18), provides that the initial term of a BID corporation will begin from the date of its registration by the Mayor and terminate on the last day of the 5th full fiscal year unless it notifies the Mayor at least 180 days before the end of the BID’s term that it desires to extend its status as a registered BID for a subsequent 5-year term.

(b) Apparently due to confusion over the end date of the first term of the Adams Morgan BID (also known as the Adams Morgan Partnership BID) (“AMPBID”), the AMPBID failed to timely request an extension for a successive 5-year term.

(c) On November 9, 2010, the Extension of Time Emergency Amendment Act of 2010, effective November 17, 2010 (D.C. Act 18-605; 57 DCR 11050) (“Act 18-605”), was passed giving the AMPBID Board until December 31, 2010 to notify the Mayor of its desire for a successive 5-year term. However, the extension of time provided by Act 18-605 was too late. As a matter of law, the AMPBID’s first term had expired on September 30, 2010; therefore Act 18-605 was of no effect.

(d) The Extension of Time Emergency Declaration Resolution of 2010, effective November 9, 2010 (PR18-1183; Res.18-970), accompanying Act 18-605 states that “District law is unclear whether the BID has until the end of fiscal year 2010 or fiscal year 2011 to give notice of its application” for a successive term. But the law is clear.

(e) The AMPBID was authorized, with no gap in the law, by the Adams Morgan Business Improvement District Emergency Amendment Act of 2005, effective May 18, 2005

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(D.C. Act 16-80; 52 DCR 5254; expiration August 16, 2005) (“Act 16-80”), the Adams Morgan Business Improvement District Congressional Review Emergency Amendment Act of 2005, effective July 26, 2005 (D.C. Act 16-142; 52 DCR 7169; expiration October 24, 2005), the Adams Morgan Business Improvement District Temporary Amendment Act of 2005, effective September 14, 2005 (D.C. Law 16-16; 52 DCR 6928; expiration April 27, 2006), and finally by permanent legislation, the Adams Morgan Business Improvement District Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56).

(f) Mayor’s Order 2005-121 dated August 22, 2005 registered the Adams Morgan BID pursuant to Act 16-80 “as well as any substantially identical successor law.” The Mayor’s order registered the AMPBID retroactively as of June 30, 2005. Notwithstanding that the order provides that AMPBID’s registration will expire on June 30, 2010, the law provides that it would expire on the last day of the 5th full fiscal year of registration. September 30, 2005, the year of its registration, does not count because it was not a full year of registration. The last day of the 5th year, a full one, for the AMPBID was September 30, 2010.

(g) Act 18-605 was honestly relied upon by the AMPBID and countless others. The Mayor issued Mayor’s Order 2011-158 extending the AMPBID term from September 30, 2011, to September 30, 2016, and Mayor’s Order 2016-110 extending the AMPBID term from September 30, 2016, to September 30, 2021, based on the validity of Act 18-605.

(h) The Office of Tax and Revenue (“OTR”) and the AMPBID need certainty, optimally by February 15, of the lawful existence of AMPBID to allow AMPBID to provide OTR an on-time listing of properties and persons subject to AMPBID taxes and for OTR to go forward in its normal manner, without delay, in its billing process for the AMPBID’s taxes.

(i) To right this inadvertent reliance and to prevent a myriad of unintended consequences, including the unintended termination of the AMPBID or preventing OTR from timely creating billing files and sending tax bills, legislation statutorily establishing September 30, 2011, as the end date of the first term of the Adams Morgan BID needs to be expeditiously enacted.

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 Adams Morgan Business Improvement District Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to make a conforming change; to amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules, subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court of the District of Columbia to the list of entities that shall receive information from the Metropolitan Police Department related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal

ENROLLED ORIGINAL

Background Check System for the purposes of firearm purchaser background checks, to prohibit the issuance of a registration certificate for ghost guns, and to prohibit the sale or transfer of ghost guns; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to prohibit the possession of ghost guns; and to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain violations of the act shall be punishable by civil fines and adjudicated by the Office of Administrative Hearings, and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Omnibus Public Safety and Justice Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 17, 2020, the Council passed the Ghost Guns Prohibition Temporary Amendment Act of 2020, effective July 30, 2020 (D.C. Law 23-125; 67 DCR 3945) (“ghost guns temporary act”), which expires on March 11, 2021.

(b) On April 21, 2020, the Council passed the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, effective August 6, 2020 (D.C. Law 23-123; 67 DCR 5103) (“firearms safety temporary act”), which expires on March 18, 2021.

(c) On December 15, 2020, the Council passed the Omnibus Public Safety and Justice Amendment Act of 2020, enacted on January 13, 2021 (D.C. Act 23-568; 68 DCR 1034) (“permanent act”), which is pending congressional review. The permanent act includes, among its many provisions, the final language of the ghost guns temporary act and the firearms safety temporary act.

(d) This emergency legislation is now necessary to prevent a gap in the law between the expiration of the ghost guns temporary act and the firearms safety temporary act and the effective date of the permanent act. This emergency legislation contains the final language of the ghost guns temporary act and the firearms safety temporary act, as provided in the permanent act, but does not include the other provisions of the permanent 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 Omnibus Public Safety and Justice Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

ENROLLED ORIGINAL

A RESOLUTION

24-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to amend the Rental Housing Conversion and Sale Act of 1980 to allow certain transfers to not be subject to tolling requirements established during the public health emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “TOPA COVID-19 Tolling Exemption for Low Income Housing Tax Credit Transfers Emergency Declaration of 2021”.

Sec. 2. (a) On March 17, 2020, the Council passed the COVID-19 Response Emergency Amendment Act of 2020, effective March 18, 2020 (D.C. Act 23-247; 67 DCR 3093) (“Act 23-247”), to address the effects of the coronavirus pandemic.

(b) On April 7, 2020, the Council passed the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178) (“COVID Emergency Act”), which amended Act 23-247 to further address the effects of the coronavirus pandemic.

(c) Section 203(b) of the COVID Emergency Act amended the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*) (“TOPA”), to establish tolling for all tenant deadlines during a public health emergency, plus an additional 30 days thereafter.

(d) Included in these tolling requirements are the 90-day Notice of Transfer requirements for transfers of interest that were exempted from TOPA by section 2 of the Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Amendment Act of 2020, effective December 23, 2020 (D.C. Law 23-155; 67 DCR 13249), which amended section 402 of TOPA (D.C. Official Code § 42-3404.02).

(e) The tolling requirements have delayed transfers that are not subject to TOPA and would otherwise have moved forward, with the delays resulting in increased costs of the transfers as time goes on and delayed capital improvements and renovations that would result from these transfers.

(f) These transfers of interest would still be subject to the 90-day Notice of Transfer requirements, but the transfers would be allowed to move forward during the public health

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emergency and would pose little to no threat to tenants' rights.

(g) Specifically, this emergency exempts section 402(c)(2)(O), (P), and (Q) of TOPA from the public health emergency tolling requirements. Each of these subparagraphs pertain to transfers of interest in a housing accommodation for the purpose of securing federal funding to maintain, increase, or improve affordable housing, or maintaining the long-term affordability of the building, and are not considered sales under TOPA.

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 TOPA COVID-19 Tolling Exemption for Low Income Housing Tax Credit Transfers Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

24-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need employers to adopt and implement workplace safety policies that adhere to all applicable Mayor's Orders related to the COVID-19 public health emergency, to prohibit retaliation against an employee for taking actions related to complying with, stopping a violation of, or complaining about an employer's actions related to applicable COVID-19 health and safety laws and practices, testing positive or quarantining because of COVID-19, or caring for someone who has COVID-19 symptoms or is quarantining because of COVID-19, to prohibit an employer from prohibiting or discouraging an employee's use or wearing of personal protective equipment and from requiring an employee to agree or to comply with a workplace policy not to disclose information about workplace safety related to COVID-19, to establish a rebuttable presumption that an employer who takes an adverse employment action within 30 days after an employee engages in protected activity took the action in retaliation for the employee's protected activity, to authorize the Mayor to administer and enforce the workplace and employee protections in Title I of this act by receiving complaints, conducting investigations, and issuing civil fines, to authorize the Attorney General to enforce the workplace and employee protections in Title I of this act by receiving complaints, conducting investigations, and bringing civil actions in a court of competent jurisdiction, to authorize a private right of action to enforce section 103 of this act, to require employers to post notice of employees' rights under Title I of this act upon publication of such notice by the Mayor, and to provide that federal laws and regulations and standards preempt Title I of this act; to amend the Small and Certified Business Enterprise Act of 2005 to authorize the Mayor to issue grants for small businesses to purchase or receive reimbursements for the purchase of personal protective equipment for their employees; to authorize the Chief Procurement Officer to enter into an indefinite duration/indefinite quantity contract to assist eligible businesses in the purchase of personal protective equipment and other supplies related to the containment of COVID-19;; to amend the District of Columbia Unemployment Compensation Act to specify that an employee who voluntarily quits work due to an unsafe workplace is eligible for unemployment benefits; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to include COVID-19 as a compensable injury if contracted in the course and scope of employment; to amend the Workers' Compensation Act of

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1979 to include COVID-19 as a compensable injury if contracted in the course and scope of employment; to amend the Tipped Wage Workers Fairness Amendment Act of 2018 to require the Mayor to add rights under this act to the Mayor's website stating the rights and benefits to which an individual is entitled under District labor laws; to repeal the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020; and to repeal the Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Amendment Act of 2021.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Workplace Safety During the COVID-19 Pandemic Emergency Declaration Resolution of 2021".

Sec. 2. (a) There exists an immediate need to augment existing workplace safety protections as the District continues to reopen for business following the declaration of the COVID-19 public health emergency in the District by Mayor's Order 2020-045 on March 11, 2020. Over 35,000 District residents have contracted COVID-19, and sadly, almost 1,000 residents have perished from the virus. Although a vaccine has been identified and is being distributed to residents aged 65 and older and others at high risk, it still is not widely available to most. Because of this, we do not know when the pandemic will end, and workers and businesses require additional protections to mitigate the impact of the virus on our businesses and workers, and even our economy.

(b) The Council passed emergency and temporary measures that became effective in July and December of 2020, respectively. The existing law has enhanced business and worker safety in the District but does not address additional issues now known to the Council. Additionally, the current law can be improved to incorporate best practices. Given the urgency and dire health and safety consequences of working during the pandemic, additional emergency legislation is necessary.

(c) Current law requires employers to comply with the Mayor's Mask Order 2020-80 and subsequent measures but does not include other Mayor's orders pertinent and critical to workplace safety during the COVID-19 pandemic that address social distancing, other personal protective equipment, or other matters.

(d) Current law requires employers to post a notice in workplaces stating the requirement to wear masks, but the notice does not include other important information about the District's COVID-19 workplace safety laws or information specifying where workers can report a violation.

(e) The freedom to discuss safety issues without fear of retaliation is essential to worker safety, consumer confidence, the operational stability of employers, and the success of the District's economic recovery. The ability to engage in broad discussion of safety issues without fear of retaliation is the only way for employers and employees to share awareness and maintain operations.

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(f) Gaps in the current law exist because while the law permits the Mayor and Attorney General to enforce workplace safety protocols and prohibitions against retaliation, it does not include or protect the right of employees to broadly discuss the safety of their workplace, or to access the courts if retaliated against in an unlawful manner.

(e) The Federal Occupational Safety and Health Administration has provided an easily accessible digital home for worker complaints on their website. However, District workers have no easily accessible place to complain of COVID-19 workplace safety violations and have reported confusion about who to contact and how to report a COVID-19 workplace safety issue. Several other states provide the public with information on violations of COVID-related safety laws, but the District does not publish such information.

(g) Workers' compensation is a critical protection for workers who are injured or sickened on the job. District law is silent on the treatment of COVID-19 in both the District's public and private sector workers' compensation programs. There is a need to remove ambiguity and confirm that COVID-19 is a compensable illness if contracted through the regular course of work. Seventeen states and Puerto Rico have taken action to extend workers' compensation coverage to workers who contract COVID-19 while working.

(h) Current District regulations state that an employee may be eligible for unemployment benefits if a workplace is unsafe; however, current law is silent on this matter. Codifying this right will ensure the continuation of this policy in the future and help educate workers on this right.

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 Workplace Safety During the COVID-19 Pandemic Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

B24-0063 Second Chance Amendment Act of 2021

Intro. 02-02-2021 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

B24-0064 Fair Wage Amendment Act of 2021

Intro. 02-04-2021 by Councilmembers Henderson, Nadeau, Lewis George, R. White, McDuffie, Pinto, and Cheh and referred sequentially to the Committee on Labor and Workforce Development, and Committee on Judiciary and Public Safety

B24-0065 Interagency Council on Behavioral Health Establishment Amendment Act of 2021

Intro. 02-04-2021 by Councilmembers Henderson, McDuffie, Pinto, Nadeau, Lewis George, Cheh, and Gray and referred to the Committee on Health

B24-0066 Safe Passage to School Expansion Act of 2021

Intro. 02-04-2021 by Councilmembers Henderson, Nadeau, Lewis George, Cheh, R. White, and Pinto and referred sequentially to the Committee on Transportation

and the Environment, and Committee of the Whole

PR24-0070 Monica Palacio Director of the Office of Human Rights Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Government Operations and Facilities

PR24-0071 Board of Architecture, Interior Design, and Landscape Architecture Ronnie McGhee Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0072 Board of Architecture, Interior Design, and Landscape Architecture Eileen Vitelli Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0073 Board of Architecture, Interior Design, and Landscape Architecture Melissa Cohen Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0074 Board of Architecture, Interior Design, and Landscape Architecture Patrick Williams Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0075 Board of Occupational Therapy Tracy Ellis Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Health

PR24-0076 Board of Barber and Cosmetology Vonetta Dumas Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0077 Board of Barber and Cosmetology David Cavalcante Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0078 Board of Barber and Cosmetology Frances Olivia French Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0079 Board of Barber and Cosmetology Mable Carter Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0080 Board of Optometry Lisa Johnson Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Health

PR24-0081 Board of Optometry Tracy Hammond Confirmation Resolution of 2021

Intro. 02-04-2021 by Chairman Mendelson and referred to the Committee on Health

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

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION**

ANNOUNCES A PUBLIC ROUNDTABLE

on

PR24-0018, District of Columbia Housing Authority Board of Commissioners Dionne Bussey-Reeder Confirmation Resolution of 2020

PR24-0019, District of Columbia Housing Authority Board of Commissioners LeJuan Strickland Confirmation Resolution of 2020

PR24-0027, District of Columbia Housing Authority Board of Commissioners Jose Ortiz Gaud Confirmation Resolution of 2020

on

Thursday, February 18 at 9:00 am

DC Council Website (www.dccouncil.us)

Council Channel 13 (Cable Television Providers)

Office of Cable Television Website (www.entertainment.dc.gov)

On Thursday, February 18, 2021, Councilmember Anita Bonds will hold a public roundtable on PR24-0018, the “District of Columbia Housing Authority Board of Commissioners Dionne Bussey-Reeder Confirmation Resolution of 2020,” PR24-0019, the “District of Columbia Housing Authority Board of Commission LeJuan Strickland Confirmation Resolution of 2020,” and PR24-0027, the “District of Columbia Housing Authority Board of Commissioners Jose Ortiz Gaud Confirmation Resolution of 2020.” The roundtable will be held on Thursday February 18, 2021 at 9:00 a.m. via Zoom Video Conference Broadcast.

The stated purpose of PR24-0018 is to appoint Dionne Bussey-Reeder as a public commissioner of the District of Columbia Housing Authority Board of Commissioners, replacing NaKeisha Neal, for a term to end July 12, 2023. The stated purpose of PR24-0019 is to reappoint LeJuan Strickland as a public commissioner of the District of Columbia Housing Authority Board of Commissioners for a term to end July 12, 2023. The stated purpose of PR24-0027 is to reappoint Jose Ortiz Gaud as a public commissioner of the District of Columbia Housing Authority Board of Commissioners for a term to end July 12, 2023. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of these nominees for their respective positions.

Persons who wish to testify are requested to either email the Committee at housing@dccouncil.us or telephone the Committee at (202) 724-8198, at least two business days before the hearing and provide their name, address, telephone number, email address, organizational affiliation and title. Each witness will receive an individual Zoom invitation for the hearing in a separate e-mail.

Witnesses are encouraged to submit an electronic version of their testimony to housing@dccouncil.us. Oral testimony will be limited to 5 minutes for those testifying on behalf of an organization and 3 minutes for those testifying on behalf of themselves.

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

The hearing can be viewed on Cable Channel 13 (DCCTV), www.dccouncil.us and www.entertainment.dc.gov.

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

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Executive Administration, by email at housing@dccouncil.us. The record will close at 5:00 p.m. on Monday, February 22, 2021.

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

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

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

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

GBM 24-0009 FY 2021 Grant Budget Modifications as of January 7, 2021

RECEIVED: 2-day review begins February 4, 2021

GBM 24-0010 FY 2021 Grant Budget Modifications as of January 12, 2021

RECEIVED: 2-day review begins February 4, 2021

GBM 24-0011 FY 2021 Grant Budget Modifications as of January 15, 2021

RECEIVED: 2-day review begins February 4, 2021

GBM 24-0012 FY 2021 Grant Budget Modifications as of January 26, 2021

RECEIVED: 2-day review begins February 10, 2021

GBM 24-0013 FY 2021 Grant Budget Modifications as of January 29, 2021

RECEIVED: 2-day review begins February 10, 2021

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 24-0003: Request to reprogram \$4,489,354.96 of Fiscal Year 2021 Local funds within the Department of Energy and Environment was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to provide DC Water bill financial assistance benefits to low-income households and eligible nonprofits.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0004: Request to reprogram \$10,424,552.33 of Fiscal Year 2021 Local funding within the District of Columbia Public Schools was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to ensure that DCPS' budget is properly aligned to support the reprioritization of agency objectives to achieve personal services and non-personal services goals.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0005: Request to reprogram \$706,142.00 of Fiscal Year 2021 Local funding within the District of Columbia Public Schools was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to cover the cost of various school-based positions and non-personnel needs.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0006: Request to reprogram \$1,107,832.27 of Fiscal Year 2021 Local fund budget authority within the DHCD was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to ensure that DHCD's budget is properly aligned with the appropriate activities and object classes.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0007: Request to reprogram \$1,250,000 of Fiscal Year 2021 Local fund budget authority within the DHCD was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to ensure that DHCD's Housing Preservation Fund budget is properly aligned with the current spending plan.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0008: Request to reprogram \$2,500,000.00 of Fiscal Year 2021 capital funds within the Department of Corrections was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to complete the replacement and upgrade of the generators at Central Detention Facility.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0009: Request to reprogram \$3,089,441 of FY 2021 Special Purpose Budget within the Department of Employment Services from the agency's Labor Standards program was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to cover costs associated with the Unemployment Insurance (UI) program.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0010: Request to reprogram \$5,000,000 of FY Capital Budget within DCPS (Owner AGY)/DGS (Implementing AGY) was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed for the modernization and renovation of the Bard Early College High School.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0011: Request to reprogram \$1,300,000 of Fiscal Year 2021 Capital Budget within DCPS (Owner AGY)/DGS (Implementing AGY) was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to complete the school addition project per the DCPS Educational Specifications and meet the school's educational and operational needs.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0012: Request to reprogram \$2,200,000.00 of Fiscal Year 2021 Capital funds, from DC Public Schools (DCPS) Athletic Facilities and Early Action Pre-K small capital projects that are implemented by the Department of General Services (DGS), for small capital HVAC was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed for the replacement and/or upgrade of HVAC system in three schools: H.D. Cooke Elementary, McKinley Technology High School and Luke C. Moore Academy High School.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0013: Request to reprogram \$2,600,000 of Fiscal Year 2021 Capital funds from within the Department of General Services was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to complete the 801 East Men's Shelter located on the Saint Elizabeth's campus.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0014: Request to reprogram \$525,000 of Fiscal Year 2021 Local Funds within the Department of Public Works was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to extend the employment of 90 seasonal sanitation workers during the COVID crisis to provide the collection and disposal of the District's municipal solid waste and recycling materials.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0015: Request to reprogram \$4,787,381.27 from the District of Columbia Public Schools to the District of Columbia Public Schools was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to ensure that DCPS' budget is properly aligned to accommodate reporting changes in DCPS' initiatives.

RECEIVED: 14-day review begins February 5, 2021

Reprog. 24-0016: Request to reprogram \$2,509,569.82 of Fiscal Year 2021 Local fund within the Department of For-Hire Vehicles was filed in the Office of the Secretary on February 4, 2021. This reprogramming is needed to cover personal services costs for the next ten pay periods.

RECEIVED: 14-day review begins February 5, 2021

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
2/12/2021

Notice is hereby given that:

License Number: ABRA-021721

License Class/Type: B Retail - Grocery

Applicant: No Jun Choon & Myong A

Trade Name: Andy's Carryout

ANC: 6E04

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

209 NEW YORK AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
4/19/2021

A HEARING WILL BE HELD ON:
5/10/2021

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
2/12/2021

Notice is hereby given that:

License Number: ABRA-105727

License Class/Type: B Retail - Class B

Applicant: BK, Inc.

Trade Name: Hi Market

ANC: 1B07

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

2655 15th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
4/19/2021

A HEARING WILL BE HELD ON:
5/10/2021

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 12, 2021
Protest Petition Deadline: April 19, 2021
Roll Call Hearing Date: May 10, 2021
Protest Hearing Date: July 14, 2021

License No.: ABRA-117768
Licensee: Le Kavacha Bistro, LLC
Trade Name: Le Kavacha Bistro
License Class: Retailer's Class "C" Restaurant
Address: 4619 41st Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 3

ANC 3E

SMD 3E01

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 May 10, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **July 14, 2021 at 1:30 p.m.**

NATURE OF OPERATION

The Establishment will be a restaurant serving French and American food and drinks with occasional karaoke. Seating Capacity of 163 and a Total Occupancy Load of 179. Request to add a Sidewalk Café with 80 seats. The licensee is also requesting an Entertainment Endorsement to provide live entertainment indoors only.

HOURS OF OPERATION FOR INSIDE OF THE PREMISES

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

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

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

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ

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

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE ONLY

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

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

Sunday 11am – 11pm, Monday through Thursday 11am – 12am, Friday and Saturday 11am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 12, 2021
Protest Petition Deadline: April 19, 2021
Roll Call Hearing Date: May 10, 2021
Protest Hearing Date: July 14, 2021

License No.: ABRA-117777
Licensee: TB Cantina, LLC
Trade Name: Taco Bell Cantina
License Class: Retailer's Class "C" Restaurant
Address: 3100 14th Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 1

ANC 1A

SMD 1A05

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 May 10, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on July 14, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 35 and a Total Occupancy Load of 50.

HOURS OF OPERATION

Sunday through 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

****CORRECTION**

Placard Posting Date: **February 5, 2021
Protest Petition Deadline: **April 12, 2021
Roll Call Hearing Date: **May 3, 2021
Protest Hearing Date: **June 30, 2021

License No.: ABRA-117693
Licensee: BHG Waterfront, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Tavern
Address: 715 Wharf Street, S.W., #519 A-B
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6D

SMD 6D04

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 **May 3, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****June 30, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Tavern with a seating capacity of 275 and Total Occupancy Load of 550. Summer Garden with seating capacity of 50. The applicant requests a Game of Skill endorsement to include two gaming kiosks to offer the Dragon’s Ascent electronic game of skill. Live Entertainment with Cover Charge will be included inside the establishment only.

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

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

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

Sunday through Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **January 22, 2021
Protest Petition Deadline: **March 29, 2021
Roll Call Hearing Date: **April 19, 2021
Protest Hearing Date: **June 23, 2021

License No.: ABRA-117693
Licensee: BHG Waterfront, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Tavern
Address: 715 Wharf Street, S.W., #519 A-B
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6D

SMD 6D04

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 19, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****June 23, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Tavern with a seating capacity of 275 and Total Occupancy Load of 550. Summer Garden with seating capacity of 50. The applicant requests a Game of Skill endorsement to include two gaming kiosks to offer the Dragon’s Ascent electronic game of skill. Live Entertainment with Cover Charge will be included inside the establishment only.

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

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

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

Sunday through Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 12, 2021
Protest Petition Deadline: April 19, 2021
Roll Call Hearing Date: May 10, 2021
Protest Hearing Date: July 14, 2021

License No.: ABRA-117790
Licensee: Enid Silva, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 1630 Columbia Road, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 1

ANC 1C

SMD 1C06

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 May 10, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on July 14, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 75 and a Total Occupancy Load of 80. Requesting a Summer Garden with 40 seats.

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

Sunday through Saturday 8am - 12am

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

Sunday through Thursday 8am - 10pm, Friday and Saturday 8am - 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 12, 2021
Protest Petition Deadline: April 19, 2021
Roll Call Hearing Date: May 10, 2021
Protest Hearing Date: July 14, 2021

License No.: ABRA-117753
Licensee: Bigdan Ent., LLC
Trade Name: VibeZ on H
License Class: Retailer's Class "C" Tavern
Address: 1378 H Street, N.E.
Contact: Clive Roberts: (202) 409-0951

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 10, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on July 14, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new class C Tavern with a Seating Capacity of 29, Total Occupancy Load of 50 and a Summer Garden with 8 Seats. The License will include Entertainment, Dancing and Cover Charge inside the premises only.

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

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

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

Sunday through Thursday 12pm – 11pm, Friday and Saturday 12pm – 1am

HOURS OF LIVE ENTERTAINMENT FOR THE INSIDE OF THE PREMISES

Sunday through Thursday 4pm – 2am, Friday and Saturday 4pm – 3am

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC HEARING REGARDING
DISPOSITION RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public disposition hearing regarding St. Elizabeths East located at 1100 Alabama Ave., SE, known as Square 5868, Lot 822, Lot D, & Lot 817 (the “Property”) to obtain community input on the proposed use of the Property.

The date, time, and location of the public disposition hearing is:

Date: Thursday, March 4, 2021 Time: 6:30 p.m. – 8:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/j.php?MTID=m63ad15f74d276c150cea0f6d681f4d20>

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor’s Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. On June 19, 2020, the Mayor issued Mayor’s Order 2020-075, which provided guidance for further reopening of businesses during Phase Two. On December 18, 2020, the Mayor issued Mayor’s Order 2020-127, which extended the Public Health Emergency and advised all District residents to limit their activities to essential activities and travel. All individuals are still required, if possible, to maintain a distance of at least six (6) feet from persons not in their household. In addition, indoor gatherings of more than ten (10) individuals continue to be prohibited in the District.

As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayor’s Orders, in lieu of an in-person public hearing to obtain community input on the proposed disposition of the Property, pursuant to D.C. Official Code §10-801, the hearing will be held online, and community input should be submitted in writing by March 18, 2021.

Please feel free to contact James Parks (james.parks2@dc.gov) should you have any questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email until March 18, 2021, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004
Attention: James Parks, james.parks2@dc.gov

BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 31, 2021
VIRTUAL HEARING via WEBEX

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

TIME: 9:30 A.M.

WARD TWO

Application of:	1208 M, LLC
Case No.:	20406
Address:	1208 M Street N.W. (Square 282, Lot 31)
ANC:	2F
Relief:	Special Exception under: <ul style="list-style-type: none"> • the rear yard requirements of Subtitle I § 205.1 (pursuant to Subtitle I § 205.5 and Subtitle X § 901.2)
Project:	To raze the existing building and construct a new, attached, seven-story, 14-unit residential building, with cellar and penthouse, in the D-1-R Zone.

WARD FOUR

Application of:	703 Randolph, LLC
Case No.:	20413
Address:	703 Randolph Street N.W. (Square 3132, Lot 12)
ANC:	4C
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2) and from; • the rooftop element requirements of Subtitle E § 206.1 (pursuant to Subtitles E §§ 206.4, 5207.1, and Subtitle X § 901.2)
Project:	To convert an existing, semi-detached, three-story flat into a three-unit apartment house, and to construct a new rooftop addition in the RF-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE
 MARCH 31, 2021
 PAGE NO. 2

WARD ONE

Application of:	616 Quebec Place NW, LLC
Case No.:	20425
Address:	616 Quebec Place N.W. (Square 3034, Lot 182)
ANC:	1A
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)
Project:	To convert an existing, three-story, semi-detached, principal dwelling unit into a three-unit apartment house in the RF-1 Zone.

WARD SIX

Application of:	MADM Development, LLC
Case No.:	20429
Address:	411 New Jersey Avenue S.E. (Square 693, Lot 96)
ANC:	6B
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • the penthouse setback requirements of Subtitle C § 1502(b)(c) (pursuant to Subtitle C § 1504 and Subtitle X § 901.2) • the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201, and Subtitle X § 901.2) • the height requirements of Subtitle E § 503.2 (pursuant to Subtitle E § 5203 and Subtitle X § 901.2) and; Area Variances from: <ul style="list-style-type: none"> • the lot width requirements of Subtitle E § 201.1 (pursuant to Subtitle X, Chapter 10) • the side yard requirements of Subtitle E § 207.2 (pursuant to Subtitle X, Chapter 10) • the rear yard requirements of Subtitle E § 506.1 (pursuant to Subtitle X, Chapter 10)
Project:	To subdivide the existing vacant lot, and to construct two new, three-story, principal dwelling units in the PDR-5/RF-3 Zone.

REVISED BZA PUBLIC HEARING NOTICE
 MARCH 31, 2021
 PAGE NO. 3

WARD THREE

Application of:	Patrick Basse and Dolie Schein
Case No.:	20431
Address:	4403 Garrison Street N.W. (Square 1581, Lot 81)
ANC:	3E
Relief:	Special Exception from: <ul style="list-style-type: none"> • the side yard requirements of Subtitle D § 206.7 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a two-story rear addition to an existing, two-story, detached principal dwelling unit in the R-2 Zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

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Do you need assistance to participate?

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Amharic

REVISED BZA PUBLIC HEARING NOTICE
MARCH 31, 2021
PAGE NO. 4

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

Chinese

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Spanish

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Vietnamese

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

**BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
 WEDNESDAY, APRIL 14, 2021
 VIRTUAL HEARING via WEBEX**

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

TIME: 9:30 A.M.

WARD ONE

Application of:	3200 13 th Street, LLC
Case No.:	20395
Address:	3200 13 th Street N.W. (Square 2843, Lot 800)
ANC:	1A
Relief:	Special Exception under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2) • the rear yard requirements of Subtitle E § 306.1(pursuant to Subtitle E 5201 and Subtitle X § 901.2)
Project:	To convert an existing, semi-detached, three-story commercial building into a three-unit apartment house, with front, side, and rear additions in the RF-1 Zone.

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APRIL 14, 2021

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WARD SIX

Application of:	Datis Properties, LLC
Case No.:	20437
Address:	1819 A Street S.E. (Square 1111, Lot 96)
ANC:	6B
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2), and from; • the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2
Project:	To construct a third-story addition on the top of the existing two-story portion of the building, and a three-story rear addition, and to convert the existing, detached, three-story principal dwelling unit into a three-unit residential building in the RF-1 Zone.

WARD EIGHT

Application of:	Dawn to Dusk Child Development Center, LLC
Case No.:	20439
Address:	2907 7th Street S.E. (Square 5951, Lot 40)
ANC:	8C
Relief:	Special Exception under: <ul style="list-style-type: none"> • the use provisions of Subtitle U § 203.1(h) (pursuant to Subtitle X § 901.2)
Project:	To permit the continued daytime care use of s child development center for 47 children and 10 staff in an existing, two-story, detached building in the R-2 Zone.

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WARD EIGHT

Application of:	Green 2336, LLC
Case No.:	20440
Address:	2336 Green Street S.E. (Square 5754, Lots 38-39 and 64)
ANC:	8A
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the new residential conversion requirements of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2) and an Area Variance from: <ul style="list-style-type: none"> • the floor area ratio requirements of Subtitle F § 302.3 (pursuant to Subtitle X, Chapter 10)
Project:	To raze the existing building, combine the existing lots into a single lot of record, and to construct a new, detached, three-story, 16-unit apartment building in the RA-1 Zone.

WARD ONE

Application of:	Festival Center, Inc.
Case No.:	20441
Address:	1640 Columbia Road N.W. (Square 2579, Lot 34)
ANC:	1C
Relief:	Area Variance from: <ul style="list-style-type: none"> • the floor area ration requirements of Subtitle G § 402.2 (pursuant to Subtitle X, Chapter 10)
Project:	To construct an executive meeting room and mezzanine on the first and second floors, and a addition to the third-floor in an existing, detached, commercial building in the MU-5A Zone.

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in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

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

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Chinese

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Korean

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Spanish

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REVISED BZA PUBLIC HEARING NOTICE

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Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

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**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MAY 5, 2021
VIRTUAL HEARING via WEBEX**

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

TIME: 9:30 A.M.

WARD SIX

Application of:	John & Katie Durcan
Case No.:	20450
Address:	211 13 th Street N.E. (Square 1033NW, Lot 12)
ANC:	6A
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201, and Subtitle X § 901.2) • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a three-story rear addition, with cellar and roof deck addition, to an existing, two-story, semi-detached, principal dwelling unit in the RF-1 Zone.

WARD SEVEN

Application of:	4234 Benning, LLC
Case No.:	20454
Address:	4234 Benning Road N.E. (Square 5087, Lot 70)
ANC:	7D
Relief:	Special Exception under: <ul style="list-style-type: none"> • the RA-use requirements of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2)
Project:	To raze the existing, detached, one-story, principal dwelling unit, and to construct a new three-story, detached, eight-unit, apartment building, with cellar and penthouse, in the RA-1 Zone.

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WARD FIVE

Application of:	1002 Rhode Island, LLC
Case No.:	20456
Address:	1002 Rhode Island S.E. (Square 3871, Lot 62)
ANC:	5B
Relief:	Special Exception under: <ul style="list-style-type: none"> the RA-use requirements of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2)
Project:	To raze the existing, detached, two-story, principal dwelling unit, and to construct a new three-story, detached, eight-unit, residential building, with cellar and penthouse, in the RA-1 Zone.

WARD FIVE

Application of:	S5 District, LLC
Case No.:	20457
Address:	2718 4th Street S.E. (Square 1111, Lot 96)
ANC:	5E
Relief:	Special Exception under: <ul style="list-style-type: none"> the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E 205.5 and 5201, and Subtitle X § 901.2)
Project:	To construct a new, three story, flat in the RF-1 Zone.

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BZA PUBLIC HEARING NOTICE
MAY 5, 2021
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Chinese

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BZA PUBLIC HEARING NOTICE

MAY 5, 2021

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DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority set forth in An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code §§ 42-3131.01 *et seq.*); Article III of Reorganization Plan No. 1 of 1983, effective March 31, 1983, D.C. Official Code §§ 47-2828 and 47-2851.20; and Mayor's Order 83-92, dated April 7, 1983, hereby gives notice of the adoption of the following amendment to Chapter 2 (Housing Basic Business Licenses) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will require residential rental properties to provide a valid credit card or bank account billing information to streamline billing related to reinspection fees and DCRA's Proactive Inspections program. Currently, reinspection fees are collected pursuant to 14 DCMR § 207.1(b) for any reinspection of a licensee's premises for routine housing code violations; and proactive inspection fees are collected pursuant to 14 DCMR § 207.1(d) to ensure all multi-unit rental properties in the District are compliant with the city's residential property maintenance and building codes. DCRA will require credit card and bank account payment information from licensees to ensure that these fees are paid in a timely manner.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 18, 2020, at 67 DCR 014720. No comments were received and no changes were made to the text of the rules as proposed.

These rules were adopted as final on February 2, 2021, and shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 14 DCMR, HOUSING, is amended as follows:

Chapter 2, HOUSING BASIC BUSINESS LICENSES, is amended as follows:

Section 200, GENERAL LICENSING REQUIREMENTS, is amended as follows:

A new Subsection 200.7 is added to read as follows:

200.7 Any person requiring a basic business license with a Housing: Residential Endorsement pursuant to D.C. Official Code § 47-2851.03(a)(6)(B) shall provide billing information for a valid credit card or bank account that may be used exclusively to bill for reinspection fees as detailed in § 207.1(b), and proactive inspection fees as detailed in § 207.1(d). The billing information that is provided for the card or account must be current and shall be updated by written notice to the Department within 30 business days if the information changes.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of amendments to Chapter 30 (Campaign Finance Operations: Committees, Candidates, Constituent Service Programs, Statehood Funds), Chapter 38 (Legal Defense Committees), Chapter 39 (Campaign Finance Operations: Inaugural Committees), Chapter 40 (Campaign Finance Operations: Transition Committees), Chapter 41 (Campaign Finance Operations: Exploratory Committees) and Chapter 42 (Fair Elections Program) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

These amendments place the Board's regulations into conformity with the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124, 59 DCR 1862 (March 9, 2012)); as amended by the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178 (April 17, 2020)).

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 15, 2020, at 67 DCR 5161. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed.

The Board adopted these amendments as final at a regular board meeting on Wednesday, February 3, 2021. These final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 30, CAMPAIGN FINANCE OPERATIONS: COMMITTEES, CANDIDATES, CONSTITUENT SERVICE PROGRAMS, STATEHOOD FUNDS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Section 3001, MANDATORY TRAINING, is amended as follows:

Subsections 3001.1, 3001.3, 3001.4 and 3001.5, are amended as follows:

- 3001.1 Each candidate for public office (with the exception of candidates for Advisory Neighborhood Commissioners (ANC)), and each treasurer of a political committee, political action committee, or independent expenditure committee shall participate in person or online in the Office of Campaign Finance training program administered by the Director.
- 3001.3 Each candidate for public office shall participate in the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the

Statement of Candidacy form in accordance with § 3002, or as otherwise scheduled by the Office of Campaign Finance.

3001.4 Each candidate seeking certification and the candidate's treasurer and each participating candidate and the candidate's treasurer of the Fair Elections Program shall participate in person or online in Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Public Financing Statement of Registration in accordance with § 4201, or as otherwise scheduled by the Office of Campaign Finance.

3001.5 Each treasurer of a political committee, political action committee, or independent expenditure committee shall participate in the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 3000.25(a), or as otherwise scheduled by the Office of Campaign Finance.

Chapter 38, LEGAL DEFENSE COMMITTEES, is amended as follows:

Section 3801, ORGANIZATION OF LEGAL DEFENSE COMMITTEES, is amended as follows:

Subsection 3801.10, is amended as follows:

3801.10 A treasurer shall be required to participate in the Office of Campaign Finance to training program in person or online, pursuant to § 3001 of Chapter 30 within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 3801.9, or as otherwise scheduled by OCF.

Chapter 39, CAMPAIGN FINANCE OPERATIONS: INAUGURAL COMMITTEES, is amended as follows:

Section 3901, ORGANIZATION OF INAUGURAL COMMITTEES, is amended as follows:

Subsection 3901.10, is amended as follows:

3901.10 A treasurer shall be required to participate in the Office of Campaign Finance training program in person or online, pursuant to § 3001 of Chapter 30 within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 3901.9, or as otherwise scheduled by OCF.

Chapter 40, CAMPAIGN FINANCE OPERATIONS: TRANSITION COMMITTEES, is amended as follows:

Section 4001, ORGANIZATION OF TRANSITION COMMITTEES, is amended as follows:

Subsection 4001.11 is amended as follows:

4001.11 A treasurer shall be required to participate in the Office of Campaign Finance training program in person or online, pursuant to § 3001 of Chapter 30 within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4001.10, or as otherwise scheduled by OCF.

Chapter 41, CAMPAIGN FINANCE OPERATIONS: EXPLORATORY COMMITTEES, is amended as follows:

Section 4102, ORGANIZATION OF EXPLORATORY COMMITTEES, is amended as follow:

Subsection 4102.10 is amended as follows:

4102.10 A treasurer shall be required to participate in the Office of Campaign Finance training program in person or online, pursuant to § 3001 of Chapter 30 within fifteen (15) days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4102.9.

Chapter 42, FAIR ELECTIONS PROGRAM, is amended as follows:

Section 4202, MANDATORY TRAINING, is amended as follows:

Subsections 4202.1, 4202.3 and 4202.4 are amended as follows:

4202.1 The candidate and the treasurer of the candidate’s principal campaign committee shall participate in person or online in the Office of Campaign Finance training program administered by the Director.

4202.3 Each candidate shall participate in the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Candidacy form in accordance with § 4201, or as otherwise scheduled by the Office of Campaign Finance.

4202.4 The treasurer of the candidate’s principal campaign committee shall participate in the Office of Campaign Finance training program within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.9, or as otherwise scheduled by the Office of Campaign Finance.

Section 4203, PRINCIPAL CAMPAIGN COMMITTEE, is amended as follows:**Subsection 4203.13, is amended as follows:**

4203.13 A treasurer shall be required to participate in the Office of Campaign Finance training program pursuant to § 4202 of this chapter within fifteen (15) calendar days of submitting the Statement of Acceptance of Treasurer form in accordance with § 4203.12, or as otherwise scheduled by OCF.

Section 4207, BASE AMOUNT PAYMENTS, is amended as follows:**Subsections 4207.1, 4207.2 and 4207.6, are amended as follows:**

4207.1 Within five (5) business days after the participating candidate is certified, the Director shall direct the Office of the Chief Financial Officer to disburse to the candidate half of the base amount described in § 4207.3, within five (5) business days of receiving notice from the OCF.

4207.2 Within five (5) business days after the participating candidate qualifies for the ballot, the Director shall direct the Office of the Chief Financial Officer to disburse to the candidate the other half of the base amount described in § 4207.3, within five (5) business days of receiving notice from the OCF.

4207.6 If an uncontested election becomes a contested election after a participating candidate is certified, the Director shall direct, no later than five (5) business days after the uncontested election becomes a contested election the Office of the Chief Financial Officer to disburse funds to the candidate, within five (5) business days of receiving notice from the OCF as follows:

- (a) The first half of the base amount, if the participating candidate has not qualified for the ballot; or
- (b) Both halves of the base amount, if the participating candidate has qualified for the ballot.

Section 4208, MATCHING PAYMENTS FOR QUALIFIED SMALL-DOLLAR CONTRIBUTIONS, is amended as follows:**Subsection 4208.7, is amended as follows:**

4208.7 Within five (5) business days after receipt of the participating candidate's R&E Report filed with the OCF in accordance with §§ 4212 and 4213, the Director shall direct the Office of the Chief Financial Officer to disburse payments to the participating candidate through the use of an electronic funds transfer or debit card within five (5) business days of receiving notice from the OCF.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING.

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

This final rulemaking amends Chapter 22 of Title 18 of the DCMR to authorize DDOT to set the speed limit to 15 miles-per-hour on streets adjacent to health care facilities and COVID-19 testing sites; to permit authorized emergency vehicles to drive on local-access streets and play streets; to require vehicles authorized to drive on local-access streets and play streets to yield the right-of-way to pedestrians and cyclists at all points; to prohibit taxis from bus lanes, and to authorize DDOT to post signs dictating proper behavior in bus lanes; to amend Chapter 23 of Title 18 to allow pedestrians to use the streets in order to practice social distancing; and to amend Chapter 99 of Title 18 to define the term “health care facility.”

This final rulemaking incorporates three additional changes based on public feedback. First, Subsection 2217.9 is added to Chapter 22 to require that cyclists shall yield the right-of-way to pedestrians on local-access and play streets. Second, DDOT amended Section 2304 of Chapter 23 to clarify that the subsections on pedestrians crossing a street do not apply on local-access streets. And, finally, Subsection 2305.2 of Chapter 23 was amended to clarify that a pedestrian shall not walk in the roadway where a paved sidewalk is provided.

A Notice of Emergency and Proposed rulemaking was published in the *D.C. Register* on October 30, 2020, at 67 DCR 12735, with a 30-day public comment period. (The emergency rule was adopted on October 16th, 2020, and became effective immediately.)

DDOT received one (1) public comment from the District of Columbia Pedestrian Advisory Council (DCPAC) in support of the rulemaking with recommendations primarily intended to enhance protections for pedestrians on local-access streets—publicized as “Slow Streets.” The DCPAC recommended that DDOT include the following changes: require cyclists and personal mobility device users to yield to pedestrians on “Slow Streets;” add fines for failure to yield the right-of-way to cyclists and pedestrians; clarify that the requirements in subsection 2305.2 apply when a “paved” sidewalk is missing; make conforming edits to Chapter 23 to exempt Slow Streets from existing regulations prescribing how pedestrians should cross or walk in a street; provide exemptions for emergency service vehicles; and educate the public and users of the road of these changes. DDOT incorporated the aforementioned changes into this final rulemaking based on these comments received from the DCPAC.

DDOT added Subsection 2217.9 to Chapter 22—prescribing that cyclists yield to pedestrians on local-access streets—because this policy enhances protections for pedestrians on these streets and is consistent with protections afforded to pedestrians in crosswalks. D.C. Official Code § 50–2201.28(b-1) states that cyclists shall yield to the right-of-way of pedestrians in crosswalks. The stated goal of the “Slow Streets” initiative is, “to support neighborhood-based safe social distancing while walking, running, or cycling,” and extending these protections to pedestrians advances these goals. DDOT notes that DCPAC’s comments extended not only to cyclists, but also users of personal mobility devices (PMDs). Because recently-passed legislation defines the most commonly-used devices as “electric mobility devices,” (EMDs) DDOT believes it will be more appropriate to incorporate rules for those devices in a forthcoming rulemaking related to the proper use of EMDs.

DDOT amended Section 2304 of Chapter 23 to exempt local-access streets from the regulations prescribing how a pedestrian should behave when crossing or walking in a street. This conforms with DDOT’s intent that these provisions do not apply on local-access streets.

Finally, DDOT amended Subsection 2305.2 to add the word “paved” before “sidewalk” to clarify that a pedestrian is permitted in a street when there is no paved sidewalk. DDOT’s current definition for “sidewalk” includes those that are unpaved. This clarification conforms the subsection with the intent.

DDOT has worked with other District government agencies and coordinated internally to educate the public and other stakeholders on these new regulations. DDOT has coordinated with the Department of For-Hire Vehicles to accurately and effectively inform both taxi and ride-hail service providers of these new regulations related to bus lanes. DDOT’s effort to inform the public also includes increasing the number of barricades on Slow Streets, posting informational brochures on those barricades, notifying the affected Advisory Neighborhood Commissions, and social media updates.

DDOT is closely monitoring the performance of the Slow Streets initiative and other programs designed to repurpose the right-of-way for people. The agency continues to improve these programs in response to the agency’s internal observations and residents’ feedback.

DDOT did not incorporate the suggestions that fines be added for violations committed on local-access streets because violations and fines already exist for failure to yield. Subsection 2600.1 of Title 18 includes violations and fines for failure to give right-of-way to pedestrian in roadway and failure to yield right-of-way to a person operating a bicycle.

Finally, DDOT agrees that emergency service vehicles are exempt from the regulations in this rulemaking related to local-access streets and bus lanes. However, DDOT did not include additional language affirming these exemptions as they are articulated sufficiently in existing regulations.

The Director adopted these rules as final on January 30, 2021 and they shall become effective upon publication of this notice in the *D.C. Register*.

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

Chapter 22, MOVING VIOLATIONS, is amended as follows:

Section 2200, SPEED RESTRICTIONS, is amended as follows:

Subsection 2200.8 is amended to read as follows:

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

Subsection 2200.9 is amended to read as follows:

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

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

Subsection 2217.1 is amended to read as follows:

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

Subsection 2217.5 is amended to read as follows:

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

- (a) transit buses, tour buses, charter buses, and school buses;
- (b) bicycles except pedicabs;
- (c) paratransit service vehicles;
- (d) authorized emergency vehicles;
- (e) as provided in § 2217.6; or

- (f) other vehicles authorized by an official sign.

Subsection 2217.6 is amended to read as follows:

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

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

Subsection 2217.8 is added to read as follows:

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

Subsection 2217.9 is added to read as follows:

2217.9 On a street described in §§ 2217.1, 2217.2, or 2217.3, a person on a bicycle shall have the rights and duties applicable to a pedestrian according to §2217.8; provided, that the cyclist shall yield to pedestrians.

Chapter 23, PEDESTRIANS, is amended as follows:

Section 2304, CROSSING AT PLACES OTHER THAN CROSSWALKS, is amended as follows:

Subsection 2304.1 is amended to read as follows:

2304.1 Except on streets described in §§ 2217.1, 2217.2, or 2217.3, between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

Subsection 2304.2 is amended to read as follows:

2304.2 Except on streets described in §§ 2217.1, 2217.2, or 2217.3, each pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway

Subsection 2304.3 is amended to read as follows:

2304.3 Except on streets described in §§ 2217.1, 2217.2, or 2217.3, no pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

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

Subsection 2305.2 is amended to read as follows:

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

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

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

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

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF SECOND EMERGENCY RULEMAKING****Critical Areas - Wetlands and Streams**

The Director of the District Department of Energy and Environment, pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code 8-151.01 *et seq.* (2015 Repl. and 2019 Supp.)), the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.* (2015 Repl. and 2019 Supp.)), the Fisheries and Wildlife Omnibus Amendment Act of 2016 (D.C. Law 21-282; D.C. Official Code § 8-1731.02 *et seq.* (2019 Supp.)); Mayor's Order 2006-61, dated June 14, 2006; and Mayor's Order 2017-281, dated November 1, 2017, hereby gives notice of the intent to adopt a second emergency rulemaking to add new Chapters 25 (Critical Area – General Rules) and 26 (Critical Area – Wetlands and Streams) to Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary for the immediate preservation of the public health, safety, and welfare by preventing further loss of valuable wetland and stream resources that may no longer be protected by federal law and to clarify procedures for District certification of federal permits for discharges into District waters. Section 404 of the federal Clean Water Act (CWA) requires a permit for the discharge of dredged or fill material into waters of the United States. 33 U.S.C. § 1344. These permits are issued by the United States Army Corps of Engineers (Corps). Before issuing a permit, the Corps must obtain a certification from the District pursuant to CWA § 401 that the discharge will comply with the District water quality criteria. 33 U.S.C. § 1341. The Department of Energy and Environment currently certifies permits issued by the United States Army Corps of Engineers for discharges of dredged and fill material into District waters.

Two recent federal rulemakings will significantly curtail the District's ability to protect its aquatic resources through the § 401 certification process. First, the Environmental Protection Agency (EPA) and the Department of the Army have finalized the Navigable Waters Protection Rule, revising the definition of waters of the United States (EPA Docket ID: EPA-HQ-OW-2018-0149, posted April 21, 2020). This rule removes federal protection for ephemeral streams and wetlands that are not adjacent to traditional navigable waters. In addition, on June 1, 2020, EPA finalized the Clean Water Act Section 401 Certification Rule that will significantly restrict the scope of state review of federal permits for § 401 certification (EPA Docket ID: EPA-HQ-OW-2019-0405-0025, posted August 22, 2019). In light of these changes, this emergency rulemaking is necessary to clarify the District's procedures for certifying federal permits and to ensure continued protection of resources that will no longer require federal permits.

A Notice of Emergency and Proposed Rulemaking was adopted on October 7, 2020, became effective upon publication in the *D.C. Register* on October 16, 2020 at 67 DCR 12127, and remained in effect until February 4, 2021. DOEE received comments on the emergency and proposed rulemaking and is reviewing and evaluating those comments. This second emergency

rulemaking is required to prevent a lapse of the requirements of the first emergency rulemaking while DOEE determines whether changes are needed. If DOEE determines that substantive changes are needed, it will publish another emergency and proposed rulemaking and provide an opportunity for public comment on the changes. The language of the regulations in this emergency rulemaking remains identical to the language in the first emergency and proposed rulemaking. This second emergency rulemaking was adopted on January 15, 2021, and shall remain in effect for one hundred twenty (120) days after the date of adoption, unless earlier superseded by the publication of an emergency and proposed rulemaking or a final rulemaking.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 25, CRITICAL AREA – GENERAL RULES, to read as follows:

CHAPTER 25 CRITICAL AREA – GENERAL RULES

- 2500 SCOPE AND APPLICABILITY**
- 2501 DESIGNATION OF CRITICAL AREAS**
- 2502 INSPECTION**
- 2503 STOP WORK ORDERS**
- 2504 VIOLATIONS AND ENFORCEMENT PROCEDURES**
- 2505 ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW**
- 2599 DEFINITIONS**

2500 SCOPE AND APPLICABILITY

2500.1 The procedures and requirements of this chapter shall apply to any person conducting an activity regulated by this chapter or by Chapter 26 of Title 21 of the District of Columbia Municipal Regulations (DCMR). Together, these chapters are designated the Critical Area rules.

2501 DESIGNATION OF CRITICAL AREAS

2501.1 The Department of Energy and Environment (DOEE or Department) may designate critical areas by regulation describing the location and extent of the critical areas or the criteria for determining the location and extent of the critical area.

2501.2 The Department designates the following as critical areas within the District:

- (a) Any wetland, as defined in § 2699; and
- (b) Any stream, as defined in § 2699.

2502 INSPECTION

2502.1 The Department may conduct an inspection of an activity regulated under the Critical Area rules to ensure compliance with the rules.

- 2502.2 The Department or its representative may, at any reasonable time, upon the presentation of appropriate credentials, and with the consent of, the owner, operator, or person in charge:
- (a) Enter premises where a regulated activity subject to the Critical Area rules is located or conducted;
 - (b) Access and copy any record, report, or other document or information related to compliance with the Act;
 - (c) Inspect any site or activity subject to this chapter, including to verify sufficient maintenance; and
 - (d) Conduct sampling, testing, monitoring, or analysis.
- 2502.3 A person performing a regulated activity shall communicate with the Department as follows:
- (a) Provide preconstruction notification at least seven (7) business days before the start of the regulated or mitigation activity; and
 - (b) For the completion of the regulated activity or mitigation project, and to request a final inspection, contact the Department at least seven (7) days in advance.
- 2502.4 The Department may require an additional inspection at a particular stage of construction by specifying that requirement in the permit, or by specifying that it must be included in the approved final site plan or approved mitigation plan.
- 2502.5 No person may proceed with work past a stage of construction that the Department has identified as requiring an inspection unless:
- (a) The Department's inspector has issued an "approved" or "passed" report;
 - (b) The Department has approved a permit, certification, or mitigation plan modification that eliminates the inspection requirement; or
 - (c) The Department otherwise eliminates or modifies the inspection requirement in writing.
- 2502.6 The Department shall determine whether the work, construction, and maintenance comply with the approved permit, certification, or mitigation plan.
- 2502.7 The Department may conduct inspections of the site on a periodic or as-needed basis.

2502.8 If the Department is denied access to enter or inspect and copy records pursuant to subsection (a) of this section, the Department may apply to the Superior Court for the District of Columbia for a search warrant.

2503 STOP WORK ORDERS

2503.1 The Department may issue a stop work order if it has determined that one (1) or more of the following conditions exists:

- (a) Noncompliance with a notice that requires corrective action;
- (b) Material false statement or misrepresentation of fact in an application that the Department approved for the project;
- (c) During the project, the business license of a contractor or subcontractor is void, has expired, or has been suspended or revoked;
- (d) Work involving an activity regulated under the Critical Area rules is being conducted:
 - (1) In violation of this chapter or Chapter 26;
 - (2) In an unsafe manner; or
 - (3) In a manner that poses a threat to the public health or the environment.

2503.2 A stop work order shall:

- (a) Have immediate effect;
- (b) Be issued in writing; and
- (c) Be provided to:
 - (1) The person who has received an approval under this chapter or the person's authorized representative;
 - (2) The person doing the work; or
 - (3) The person on site who is responsible for the work.

2503.3 The stop work order shall identify the:

- (a) Location of the work;

- (b) Corrective action or cessation required;
- (c) Time period required to complete corrective action;
- (d) Reason for the order;
- (e) Person issuing the order, including telephone contact, and, if available, email or other electronic means of address; and
- (f) Steps to be taken to challenge or appeal the order.

2503.4 The stop work order shall be:

- (a) Posted at the property; and
- (b) Served by registered mail, hand-delivery with certification of service to the person who received approval for the work or that person’s agent.

2503.5 No person shall remove a stop work order posted at a site without the Department’s written approval.

2503.6 A person who continues work stopped by an order shall be in violation of this chapter for each day on which work is conducted, except for work:

- (a) Required immediately to stabilize the activity and place the property in a safe and secure condition;
- (b) That the Department orders; or
- (c) Required immediately to eliminate an unsafe condition or threat to the public health or the environment.

2504 VIOLATIONS AND ENFORCEMENT PROCEDURES

2504.1 Each instance or day of a violation of each provision of the Critical Area rules shall be a separate violation.

2504.2 Upon identifying a violation of the Critical Area rules, the Department may issue one or more of the following:

- (a) A Notice of Violation;
- (b) A stop work order;
- (c) A compliance order;

- (d) An administrative order for costs and expenses;
- (e) An Enforcement Notice; or
- (f) A Notice of Infraction.

2504.3 The District may seek criminal prosecution if a person violates a provision of the Critical Area rules, to the extent authorized by section 17 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.16).

2504.4 The Attorney General for the District may bring a civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction, for civil penalties, damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other appropriate relief pursuant to sections 18(d) and 19 of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.17(d) and 8-103.18), and section 206 of the Fisheries and Wildlife Omnibus Amendment Act of 2016 (D.C. Law 21-282; 8-1731.06).

2504.5 As an alternative to a civil penalty, the Department may impose administrative penalties, fines, and fees as sanctions for any violation of the Critical Area rules.

2504.6 Except when otherwise required by statute, an administrative civil fine shall be calculated according to the schedule of fines for violations of this chapter that has been approved pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04).

2504.7 Administrative adjudication of a Notice of Infraction shall be conducted by OAH, pursuant to its rules and procedures.

2505 ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW

2505.1 With respect to a matter governed by the Critical Area rules, a person adversely affected or aggrieved by an action of the Department shall exhaust administrative remedies by timely filing an administrative appeal with, and requesting a hearing before, the Office of Administrative Hearings (OAH) or OAH's successor.

2505.2 For the purposes of this chapter, an action of the Department taken with respect to a person shall include any:

- (a) Approval of a permit or certification;
- (b) Denial of a permit or certification;
- (c) Compliance order;

- (d) Administrative order for costs and expenses;
- (e) Stop work order; or
- (f) Other action of the Department which constitutes the Department's final decision process and is determinative of a person's rights or obligations.

2505.3 For the purposes of this chapter, a Notice of Violation or Enforcement Notice:

- (a) Shall not be an action of the Department that a person may appeal to OAH;
- (b) Shall be responded to within the time specified in the notice, including a written statement containing the grounds, if any, for opposition; and
- (c) Shall not constitute a waiver of compliance or tolling of a period for a fine or penalty.

2505.4 If a person fails to agree to or settle an Enforcement Notice or otherwise denies a claim stated in an Enforcement Notice, the Department may cancel the Enforcement Notice and file a Notice of Infraction (NOI) with OAH for adjudication.

2505.5 A person aggrieved by an action of the Department shall file a written appeal with OAH within the following time period:

- (a) Within fifteen (15) calendar days of service of the notice of the action; or
- (b) Another period of time stated specifically in this section for an identified Department action.

2505.6 The filing of an administrative appeal shall not in itself stay enforcement of an action, except that a person may request a stay according to the rules of OAH.

2505.7 The final OAH decision on an administrative appeal shall thereafter constitute the final, reviewable action of the Department, and shall be subject to the applicable statutes and rules of judicial review for OAH final orders.

2505.8 An action for judicial review of a final OAH decision shall not be a de novo review of OAH's factual conclusions, but shall be a review of the administrative record alone and not duplicate agency proceedings or hear additional evidence.

2505.9 Nothing in this chapter shall be interpreted to:

- (a) Provide that a filing of a petition for judicial review stays enforcement of an action; or
- (b) Prohibit a person from requesting a stay according to the rules of the court.

2599 DEFINITIONS

2599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – the Fisheries and Wildlife Omnibus Amendment Act of 2016 (D.C. Law 21-282; D.C. Official Code § 8-1731.02 *et seq.*).

Certification - certification by the District pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) that a federal Clean Water Act Section 404 (33 U.S.C. § 1344) permit or letter of approval issued by the U.S. Army Corps of Engineers complies with the District’s laws and regulations.

Critical Area rules – means this chapter and Chapter 26 of the District of Columbia Municipal Regulations.

Critical Areas - means the following areas and ecosystems:

- (a) Areas containing species of local importance;
- (b) Critical aquifer recharge areas;
- (c) Fish and wildlife habitat conservation areas;
- (d) Frequently-flooded areas;
- (e) Wetlands; and
- (f) Areas the Department designates, by rule, as critical areas.

Department – the Department of Energy and Environment, or its successor agency.

District - the District of Columbia

Enforcement Notice – a document that identifies a violation, assesses a proposed civil infraction fine, and provides an opportunity to resolve the matter with the Department prior to adjudication by the OAH.

Maintenance:

- (a) Means activities undertaken to prevent the deterioration, impairment, or need for repair of a serviceable fill area, structure, right-of-way, or land use, including management of vegetation and replacement of structural components.
- (b) Does not include dredging, excavating, or filling, unless such action is conducted in a temporary sediment control structure, wash pond, or roadside ditch.

Mitigation – the restoration, creation, enhancement, or preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization measures have been taken.

Notice of Infraction – a document identifying a violation and assessing a civil infraction fine that is subject to adjudication by OAH upon request of the recipient.

Person - any individual, partnership, corporation (including a government corporation), trust association, firm, joint stock company, organization, commission, or the District or federal government.

Project - the entire activity on one or more parcels of land, of which a regulated activity is a part, including all proposed and projected phases and sections of land subdivisions.

Regulated activity – any of the following activities that are undertaken or originate in a wetland or stream:

- (a) Removing, excavating, dredging, or filling with soil including sediments, sand, gravel, minerals, organic matter, or materials of any kind;
- (b) Changing, blocking or diverting existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Disturbing the surface water level or groundwater elevation by drainage, impoundment, diversion, filling, or other means;
- (d) Dumping or discharging or filling with materials;
- (e) Grading or removing materials that would alter existing topography;

- (f) Destroying or removing plant or aquatic life that would alter the character of a wetland;
- (g) Introducing plant or aquatic life that would alter the character of a wetland;
- (h) Diverting, obstructing, or piping water flow from its natural path;
- (i) Conducting sediment or water sampling activities or studies;
- (j) Driving piles, paving, and placing obstructions; and
- (k) Undertaking other activities that change the physical, biological, and chemical integrity of a wetland.

Wetland –

- (a) Means an area that is inundated by tides or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and.
- (b) Includes a marsh, swamp, pond, or vernal pool.

Wildlife - any species of a vertebrate or invertebrate animal, excluding domestic species.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 26, CRITICAL AREA - WETLANDS AND STREAMS, to read as follows:

CHAPTER 26 CRITICAL AREA - WETLANDS AND STREAMS

- 2600 GENERAL PROVISIONS**
- 2601 ACTIVITIES EXEMPT FROM THIS CHAPTER**
- 2602 APPLICATION REQUIREMENTS FOR A DISTRICT WETLAND AND STREAM PERMIT OR A SECTION 401 WATER QUALITY CERTIFICATION**
- 2603 APPLICATION PROCESSING**
- 2604 FEE SCHEDULES FOR DISTRICT WETLAND AND STREAM PERMIT AND WATER QUALITY CERTIFICATION APPLICATIONS**
- 2605 DETERMINING WHETHER A PROPOSED PROJECT IS WATER-DEPENDENT OR HAS NO PRACTICABLE ALTERNATIVE**
- 2606 AVOIDANCE AND MINIMIZATION ANALYSES**
- 2607 MITIGATION**

- 2608 MITIGATION PLAN
- 2609 BONDING AND SECURITY REQUIREMENTS
- 2610 IMPLEMENTATION OF APPROVED MITIGATION PLAN,
MAINTENANCE, AND MONITORING REQUIREMENTS
- 2611 DISTRICT WETLAND AND STREAM MITIGATION TRUST FUND
PAYMENT
- 2612 PUBLIC NOTICE AND REVIEW OF WETLAND AND STREAM PERMIT
APPLICATIONS
- 2613 PERMIT AND CERTIFICATION DECISION AND APPEAL
- 2614 WETLAND AND STREAM PERMIT MODIFICATION
- 2615 SUSPENSION AND REVOCATION OF PERMIT
- 2616 WETLANDS OF SPECIAL CONCERN
- 2699 DEFINITIONS

2600 GENERAL PROVISIONS

- 2600.1 The purpose of this chapter is to provide for the management and protection of wetlands and streams in the District, consistent with the following:
 - (a) The District of Columbia Wetland Conservation Plan, which establishes goals of no net loss in the acreage and function of wetlands, and an eventual overall net gain;
 - (b) The District of Columbia Fisheries and Wildlife Omnibus Act of 2016, which designated wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas as critical areas to be protected, conserved, or enhanced; and
 - (c) The Chesapeake Bay Watershed Agreement of 2014, specifically the goal to restore, enhance, and protect a network of land and water habitats to support fish and wildlife, and to afford other public benefits, including water quality, recreational uses, and scenic values across the watershed.
- 2600.2 No person shall conduct a regulated activity in a wetland or stream unless the activity is exempt under § 2601 or conducted pursuant to a wetland and stream permit or water quality certification in accordance with § 2600.4.
- 2600.3 Notwithstanding any provision of this chapter or Chapter 25, a person who has submitted an application for a water quality certification pursuant to section 401 of the CWA (33 U.S.C. § 1341) before the effective date of these emergency rules shall not be subject to the provisions of this chapter or Chapter 25 for the regulated activity that was the subject of the application.
- 2600.4 A person conducting a regulated activity in a wetland or stream shall obtain one of the following:

- (a) For an activity conducted in a wetland or stream that is also determined to be waters of the United States, a Clean Water Act (CWA) section 404 permit issued by the U.S. Army Corps of Engineers (33 U.S.C. § 1344), and a District water quality certification of that permit under section 401 of the CWA (33 U.S.C. § 1341); or
- (b) For an activity conducted in a wetland or stream that is not waters of the United States, a District wetland and stream permit issued by the Department.

2600.5 The Department shall not issue a wetland and stream permit under this chapter or water quality certification for a regulated activity under section 401 of the CWA unless the applicant demonstrates to the satisfaction of the Department that:

- (a) The proposed project is either water-dependent, or is not water-dependent but has provided justification that no practicable alternative exists under the criteria in § 2605;
- (b) The regulated activity will first avoid and then minimize impacts to wetlands and streams based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions under the criteria in § 2606; and
- (c) The applicant has developed and implemented or will implement mitigation plans and practices under the criteria in §§ 2607, 2608, 2609, 2610, and 2611.

2600.6 The Department shall not issue a wetland and stream permit or water quality certification for a regulated activity if it:

- (a) Causes or contributes to, after consideration of disposal site dilution and dispersion, violations of any applicable District water quality standard;
- (b) Violates any applicable toxic effluent standard or prohibition under CWA § 307 (33 U.S.C. § 1317); or
- (c) Jeopardizes the continued existence of a species listed as threatened or endangered under the federal Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, or results in the destruction or adverse modification of critical habitat of such species.

2600.7 Unless otherwise specified in a District wetland and stream permit or water quality certification issued by the Department, no regulated activity shall cause or contribute to significant degradation of wetlands or streams, including an individual or cumulative impact that:

- (a) Degrades aquatic or semi-aquatic ecosystem populations, diversity, productivity, or stability;
- (b) Adversely affects the biological, chemical, or physical properties of a wetland or stream;
- (c) Degrades habitat for aquatic or semi-aquatic wildlife, fish, shellfish, or plants; or
- (d) Jeopardizes the continued existence of a species of greatest conservation need or results in the destruction or adverse modification of habitat of such species.

2600.8 Persons conducting regulated activities within wetlands and streams shall:

- (a) Conduct the regulated activity so as not to alter or impact the habitats of species of greatest conservation need;
- (b) Conduct the regulated activity so as not to restrict or impede the passage of normal high water flows;
- (c) Conduct the regulated activity so as not to restrict or impede the movement of wildlife indigenous to the wetland or adjacent water;
- (d) Adhere to time-of-year restrictions as required by the Department under 21 DCMR § 1405;
- (e) Avoid any disturbances in breeding areas for migratory waterfowl and species of greatest conservation need;
- (f) Maintain the hydrologic regime of District waters impacted by the regulated activity;
- (g) Place materials in a location and manner that does not impact surface or subsurface water flow into or out of District waters;
- (h) Use only backfill that is free of waste metal products, debris, toxic material, contaminated material, or any other deleterious substance;
- (i) Place heavy equipment on mats, or suitably design the equipment to prevent damage to wetlands and soil compaction;
- (j) For installation of utility lines or repairs to utility lines, ensure that post-construction grades and elevations of wetlands and stream bed and banks are the same as original grades and elevations;

- (k) Avoid significant individual and cumulative impacts to wetlands of special concern; and
- (l) Manage runoff to prevent discharge of untreated stormwater into District waters.

2601 ACTIVITIES EXEMPT FROM THIS CHAPTER

2601.1 The following activities are exempt from the permitting requirements of this chapter:

- (a) Any proposed regulated activity conducted by a person who received a federal Clean Water Act (CWA) section 404 permit issued by the U.S. Army Corps of Engineers (33 U.S.C. § 1344), and a District water quality certification of that permit under section 401 of the CWA (33 U.S.C. § 1341) before the effective date of these regulations;
- (b) Invasive species eradication, mowing, or other forms of weed control in existing public utility rights-of-way;
- (c) Activities that disturb less than fifty square feet (50 ft²) of land and do not impact waters of the United States.

2601.2 The following activities are exempt from the mitigation requirements of this chapter:

- (a) Submerged aquatic vegetation restoration and enhancement activities;
- (b) Stream and wetland enhancement, restoration, and creation activities that are not related to mitigation, provided:
 - (1) The activities do not impact the biological, chemical, or physical properties of the wetland or stream; and
 - (2) The project is not located within a wetland of special concern.
- (c) The installation of floating recreational docks that will be removed within six (6) months of installation.

2601.3 A person may perform emergency work to protect life, limb or property, or may perform emergency repairs, prior to obtaining a wetland and stream permit or water quality certification, provided that:

- (a) The person performing the work or repairs notifies the Department by telephone or email within twenty-four (24) hours or the next business day

after learning of the condition requiring emergency work or emergency repairs;

- (b) The person submits an application for a District Wetland and Stream Permit or a water quality certification within thirty (30) days of beginning the emergency work or emergency repairs;
- (c) For an activity conducted in a wetland or stream that is also determined to be waters of the United States, the person conducting the activity follows any emergency procedures established by the U.S. Army Corps of Engineers in accordance with 33 C.F.R. § 325.2(e)(4); and
- (d) The person performing the emergency work or emergency repairs completes the work or repairs, and, once the wetland or stream permit or water quality certification is issued, the person fulfills any mitigation required by the permit or certification.

2602 APPLICATION REQUIREMENTS FOR A DISTRICT WETLAND AND STREAM PERMIT OR A SECTION 401 WATER QUALITY CERTIFICATION

2602.1 An applicant seeking a water quality certification shall submit an electronic copy of the signed joint permit application form accessible on U.S. Army Corps of Engineers' website, along with supporting documents that were submitted to the U.S. Army Corps of Engineers for a CWA § 404 Permit, to the Department's submittal database.

2602.2 An applicant seeking a District wetland and stream permit shall submit to the Department's submittal database a signed application on a form provided by the Department.

2602.3 An applicant for a District wetland and stream permit or water quality certification shall submit the following information to the Department's submittal database, if not previously submitted pursuant to § 2602.1:

- (a) A detailed description of the proposed project including:
 - (1) Project purpose;
 - (2) A description of facilities to be constructed or modified and work to be performed that would impact wetlands, streams, or other District waters;
 - (3) A description of the size and location of the proposed project site;

- (4) A copy of either the approved jurisdictional determination letter from the U.S. Army Corps of Engineers or the preliminary jurisdictional determination form;
 - (5) The area (in square feet), length (in feet), and type(s) of streams and wetlands proposed to be impacted, including the area or length determined to be waters of the United States; and
 - (6) The applicant's proposed mitigation plan.
- (b) A wetland and stream delineation report for the site, with supporting documents, that delineates all wetlands and streams within the project vicinity and includes:
- (1) Wetland determination data forms for each wetland community in accordance with U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and Regional Supplements, accessible on the U.S. Army Corps of Engineers' website: <https://www.nab.usace.army.mil/Missions/Regulatory/Jurisdictional-Determinations>;
 - (2) Topographic mapping; and
 - (3) Survey mapping.
- (c) A site plan that includes the following information:
- (1) Wetland boundaries, as marked or flagged in the field, based on field delineation and delineated in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual and its Regional Supplements;
 - (2) Wetland and upland data point locations delineated in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and Regional Supplements;
 - (3) Stream top-of-bank boundaries and ordinary high water mark boundaries, as marked or flagged in the field, based on field delineation;
 - (4) Locations of springs, seeps, vernal pools, and other aquatic resources;
 - (5) Locations of existing and proposed structures or utilities;
 - (6) Proposed locations of regulated activities and limits of disturbance;

- (7) Property lines of any parcels impacted by the regulated activity;
 - (8) Locations and number of soil or sediment investigations and any soil or sediment contamination issues;
 - (9) Locations and number of groundwater investigations and any contamination issues; and
 - (10) Locations of project sites on District Flood Insurance Rate Map (FIRM).
- (d) A cross-sectional drawing(s) of each proposed impact area that includes at a minimum:
- (1) Graphic scale;
 - (2) Existing structures;
 - (3) Existing and proposed elevations;
 - (4) Limits of wetlands and streams;
 - (5) Flow direction;
 - (6) For non-tidal streams, ordinary high water mark and top-of-bank;
 - (7) For tidal streams, mean low water and mean high water lines;
 - (8) Impact limits; and
 - (9) Location of all existing structures and proposed structures.
- (e) Profile drawing(s) with the information listed in paragraph (d), if required by the Department to demonstrate minimization of impacts;
- (f) A list of each type of wetland proposed to be impacted, identified by its Cowardin classification, and for each classification of wetland:
- (1) The area of each proposed wetland impact in square feet; and
 - (2) The total area of all proposed impacts in square feet.
- (g) A list of individual stream impacts as follows:
- (1) By length in linear feet to the nearest whole number and by average width in feet to the nearest whole number; and

- (2) In square feet to the nearest whole number.
- (h) Representative photographs of the impacted wetland or stream, riparian buffers, data point locations, and project area;
 - (i) A completed environmental impact screening form and review documents, if required by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.01 *et seq.*), and by 20 DCMR § 7201;
 - (j) Names of adjacent property owners;
 - (k) A photo location map identifying the direction of each photo taken;
 - (l) A functional assessment of the wetlands and streams directly or indirectly, temporarily or permanently impacted by the proposed activity;
 - (m) An avoidance and minimization analyses, as specified in § 2606; and
 - (n) A mitigation plan, as specified in § 2608.
- 2602.4 The Department may request evidence or certification that material is free from toxic contaminants prior to disposal or use for fill.
- 2602.5 The applicant shall certify the truth, accuracy, and completeness of all the information in the application.
- 2602.6 The application shall be signed by the applicant or, if the applicant is not an individual, by an authorized agent of the applicant.
- 2602.7 If the applicant is not the legal property owner, the application form shall also be signed by the legal property owner or an authorized agent of the owner.
- 2602.8 An applicant shall flag the wetland boundaries in the field in accordance with the Corps of Engineers Wetlands Delineation Manual and its Regional Supplements.
- 2602.9 An applicant shall maintain the boundary flags until the Department and U.S. Army Corps of Engineers have reached a jurisdictional determination decision.
- 2602.10 An applicant for a wetland and stream permit, water quality certification, or a modification of a wetland and stream permit or a water quality certification, shall pay a nonrefundable application fee at the time the applicant submits the application to the Department, as specified in § 2604.
- 2602.11 For purposes of this section, the term “authorized agent” shall mean:

(a) For a corporation, partnership, limited liability company, association, trust, or other business entity, a governor as defined in D.C. Official Code § 29-101.02; and

(b) For the District or federal government, a legally authorized official.

2603 APPLICATION PROCESSING

2603.1 An application is complete if:

(a) It contains all of the information required by §§ 2602, 2605, 2606, 2607, and 2608;

(b) The application fees set forth in § 2604 are paid in full; and

(c) The Department determines that all the information submitted is sufficient for the Department to process the application.

2603.2 If an application is incomplete, the Department may:

(a) Notify the applicant in writing or through the Department’s submittal database of any items or additional information that are required; or

(b) Return the application.

2604 FEE SCHEDULES FOR DISTRICT WETLAND AND STREAM PERMIT AND WATER QUALITY CERTIFICATION APPLICATIONS

2604.1 Any person applying for a wetland and stream permit or water quality certification shall pay the fees described in this section.

2604.2 The Department shall adjust the fees in this section for inflation annually, using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics. To perform this adjustment, the Department shall increase each fee by the percentage, if any, by which the Urban Consumer Price Index for June of the calendar year exceeds the Urban Consumer Price Index for June of the previous year. Each inflation adjustment shall be posted to the Department’s website.

2604.3 An applicant for a permit, water quality certification, or modification of a permit or a water quality certification shall pay the appropriate nonrefundable application fee in Table 1 at the time the applicant submits the application to the Department.

Table 1. DOEE Nonrefundable Application Fees

Wetland and Stream Permit Review and/or Water Quality Certification	\$750.00
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Review	
Minor Permit/Certification Modification (projects with impacts < 5,000 SF)	\$750.00
Major Permit/Certification Modification (projects with impacts ≥ 5,000 SF)	\$1,500.00
Request DOEE to perform Presence/Absence Survey	Desktop Review \$50.00
Request DOEE to perform Presence/Absence Survey	Site Visit \$75.00 for first hour plus \$100 for each additional hour

2604.4 An applicant for a permit, water quality certification, or modification of a permit or a water quality certification shall pay the appropriate supplemental fee in Table 2 after the Department has reviewed and commented on the application but prior to the issuance of the permit or certification.

Table 2. Supplemental Fees Based on Proposed Impact

< 5,000 SF	\$1,500.00
≥ 5,000 SF to < 1/4 acre	\$3,000.00
≥ 1/4 acre to < 1/2 acre	\$4,500.00
≥ 1/2 acre to < 3/4 acre	\$6,000.00
≥ 3/4 acre to < 1 acre	\$7,500.00
≥ 1 acre	\$9,000.00

2604.5 An applicant for a permit, water quality certification, or modification of a permit or a water quality certification shall pay any appropriate additional fees in Table 3 shall be paid after the Department has reviewed and commented on the application but prior to the issuance of the permit or certification.

Table 3. Additional Fees

Permittee-Responsible Mitigation Plan Review	\$1,580.00
Permittee-Responsible Mitigation Site Inspection/Monitoring for Impacts to PEM ¹ /PSS ² Wetlands and/or Streams	\$3,950.00
Permittee-Responsible Mitigation Site Inspection/Monitoring for Impacts to PFO ³ Wetlands	\$6,900.00
Contaminated soil, sediment, groundwater, or surface water within project site	\$1,300.00

¹PEM - Palustrine emergent wetland
²PSS – Palustrine scrub shrub wetland
³PFO – Palustrine forested wetland

2605 DETERMINING WHETHER A PROPOSED PROJECT IS WATER-DEPENDENT OR HAS NO PRACTICABLE ALTERNATIVE

- 2605.1 The Department may issue a permit or certification for an activity only if the Department finds that:
- (a) The proposed project is water-dependent; or
 - (b) The proposed project is not water-dependent and has no practicable alternative, as specified in this section.
- 2605.2 The Department will apply the following criteria to determine whether a proposed project is water-dependent:
- (a) Whether an alternate water source is available for use, including surface water or groundwater, that may result in less adverse impacts to wetlands or streams; and
 - (b) Whether the use of a wetland or stream would only enhance a project rather than function as an essential element of a project.
- 2605.3 In determining whether the proposed project requires access to a wetland or stream as a central element of its basic project purpose, the Department will consider whether access could be accomplished at another location that would first avoid, or if avoidance is not possible then minimize, impacts to wetlands or streams.
- 2605.4 For a multiple-use project that has both water-dependent and non-water dependent features, the Department will determine the features that are water dependent.
- 2605.5 In determining whether the proposed project is water dependent, the Department may consider, but is not bound by, the applicant's description of the basic project purpose.
- 2605.6 If the project is not water dependent, the applicant shall demonstrate to the satisfaction of the Department that all practicable alternatives have been analyzed, and that the proposed regulated activity has no practicable alternative.
- 2605.7 In determining whether the proposed regulated activity has a practicable alternative, the Department may consider the following:
- (a) Whether the basic purpose of the project can be reasonably accomplished using one or more other sites in the same general area as the proposed project that would avoid or reduce impacts on wetlands, streams, and other District waters;

- (b) Whether a reduction in the size, scope, configuration, or density of the proposed project would accomplish the basic purpose of the project;
- (c) Whether an alternative design, including a no-build alternative that would avoid or reduce impacts on wetlands, streams, and other District waters, would accomplish the basic project purpose;
- (d) Whether the applicant has made a good-faith effort to address site constraints such as inadequate zoning, infrastructure, or parcel size that caused an alternative to the proposed regulated activity and project to be rejected; and
- (e) Whether the regulated activity is necessary for the project to meet a demonstrated public benefit.

2605.8 In determining whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area as the proposed project that would avoid or result in less adverse impact to wetlands or streams, as specified in § 2605.7(a):

- (a) The Department may consider the applicant's definition of the general area, but may make an independent determination;
- (b) The applicant shall prove to the Department's satisfaction that the applicant has examined at least four (4) alternative sites, including a no-action alternative, for the proposed project during the initial planning phase; and
- (c) The applicant may not exclude an alternative site from consideration during the initial planning phase because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project.

2605.9 In determining whether an applicant has made a good-faith effort to address constraints, as specified in § 2605.7(d), the Department may consider any pertinent information, including:

- (a) Correspondence or other written documentation between an applicant and a local authority, including a request for a special exception or other zoning variance;
- (b) Evidence of efforts to modify the local infrastructure, including future planned expansions or redesign of the project because of a potential impacts to wetlands or streams; and
- (c) Written documentation of efforts undertaken to acquire another site or to reconfigure the proposed project, such as the reduction of building

footprints by compensating vertical expansion or the use of multilevel parking garages to address the constraint.

- 2605.10 In determining whether the regulated activity is necessary for the proposed project to meet a demonstrated public need, as specified in § 2605.7(e), the Department may consider the following:
- (a) Whether the proposed project promotes the public health, safety, or welfare; and
 - (b) The ecological functions of, and economic value associated with, the wetland, stream, or other water to be impacted, including the benefits and economic value provided to the general public by the wetland or stream, and the ability of the wetland or stream to continue to provide those identified functions and benefits to the general public.
- 2605.11 A permittee shall not change the use of a project determined to be water-dependent to a non-water-dependent use unless the permittee files a new application and receives authorization for the modified use.

2606 AVOIDANCE AND MINIMIZATION ANALYSES

- 2606.1 The Department may issue a permit or certification for an activity only if the Department finds that the applicant has demonstrated that the regulated activity will avoid, or if avoidance is not feasible, will minimize, impacts to wetlands and streams.
- 2606.2 When evaluating the extent to which a proposed project will avoid or minimize direct and indirect impacts to wetlands and streams, the Department may consider relevant factors including the following:
- (a) Reduction in acreage of wetlands and streams impacted by a regulated activity;
 - (b) Harm to a federally threatened or endangered species or species of greatest conservation need, or to the critical habitat of these species;
 - (c) Impact on movement of wildlife indigenous to wetlands and streams;
 - (d) Ability of the wetlands or streams to continue to support and provide habitat for those species of wildlife using the area, if the proposed regulated activity were authorized;
 - (e) Hydrologic regime of the areas upstream and downstream of the area of impact, including headwaters;

- (f) Functions of the impacted and adjacent wetlands and streams within the watershed, and an analysis of potential impacts of the applicant's action on adjacent wetlands, streams, and other waters within the watershed;
- (g) Passage of normal and expected high flows, the relocation of District waters, and stream diversion;
- (h) Subsurface water and groundwater flow into or out of any wetland area;
- (i) Presence of fish or aquatic wildlife spawning areas, including submerged aquatic vegetation beds;
- (j) Presence of adjacent areas of habitat having significant plant or wildlife function or value;
- (k) Cumulative impact to wetlands, streams, and other District waters;
- (l) The cost of fulfilling potential mitigation requirements based on the proposed project configuration or design versus an alternative project configuration or design;
- (m) The basic project purpose of the proposed project and how the basic project purpose relates to placement, configuration, and density of the wetland;
- (n) The location of any existing structural and natural features that may dictate the placement or configuration of the proposed project;
- (o) The applicant's efforts to:
 - (1) Modify the size, scope, configuration, or density of the project to avoid and minimize impacts to wetlands and streams;
 - (2) Remove or address site constraints, including zoning, infrastructure, access, and natural features, and otherwise avoid or minimize impacts; and
 - (3) Confine unavoidable impacts to the fringe or periphery of the wetlands and streams.

2606.3

If the Department determines that an applicant has not complied with the requirement to avoid and minimize impacts to wetlands, streams, and other District waters, the Department will provide to the applicant, in writing, its objections to the project.

- 2606.4 Within six (6) months of receipt of the Department’s objections, the applicant shall submit an amended project proposal addressing the Department’s objections, withdraw the application, or request an extension of time to resubmit an amended project proposal addressing the Department’s objections, unless the Department allows a longer period of time.

- 2606.5 If the applicant fails to respond to the Department’s objection in accordance with § 2606.4, the statement of objections shall constitute a denial.

2607 MITIGATION

- 2607.1 The objective of mitigation is to offset functional, temporal, and permanent environmental losses resulting from unavoidable impacts to wetlands and streams authorized by wetland and stream permits and water quality certifications.
- 2607.2 An applicant must propose and provide justification for an appropriate mitigation project to offset unavoidable impacts to wetlands or streams and obtain the Department's approval of a mitigation plan in accordance with § 2608.
- 2607.3 Mitigation for wetland and stream impacts is not required for the following regulated activities:
- (a) Activities exempted in § 2601; and
 - (b) Activities which result in temporary impacts to wetlands or streams.
- 2607.4 A mitigation project:
- (a) Shall comply with the District's surface water quality standards;
 - (b) As a source of its hydrology, may only receive stormwater runoff from stormwater management practices required pursuant to chapter 5 of this title or by a permit issued pursuant to CWA § 402 (33 U.S.C. § 1342), provided that the stormwater runoff meets District's surface water quality standards before entering the wetlands or streams; and
 - (c) Shall not be constructed to serve as a stormwater management best management practice for the purpose of compliance with 21 DCMR Chapter 5.
- 2607.5 An applicant shall complete mitigation, to the maximum extent practicable, in advance of or concurrent with the approved regulated activity. The Department may require additional compensatory mitigation to offset temporal losses of stream and wetland functions that will result from the permitted activity.
- 2607.6 The mitigation mechanism shall be permittee-responsible mitigation or, if authorized in accordance with 2607.18, payment into the District of Columbia's Wetland and Stream Mitigation Trust Fund.
- 2607.7 An applicant may perform permittee-responsible mitigation using creation, restoration, enhancement, or preservation of wetlands or streams, or a combination any of those methods.
- 2607.8 Mitigation projects may be located on multiple parcels of land.

- 2607.9 Mitigation projects shall be located:
- (a) In the District;
 - (b) Where they are most likely to successfully replace functions lost as a result of the project, taking into account habitat diversity, habitat connectivity, hydrology, trends in land use, and compatibility with adjacent land uses; and
 - (c) According to the following geographic location, in order of priority, unless otherwise determined by the Department:
 - (1) On-site where the wetland or stream impact(s) will occur;
 - (2) In the drainage basin where the wetland or stream impact(s) will occur;
 - (3) In the sub-watershed where the wetland or stream impact(s) will occur;
 - (4) In the watershed where the wetland or stream impact(s) will occur; or
 - (5) Outside the watershed where the wetland or stream impact(s) will occur.
- 2607.10 Except as provided in §§ 2607.18 the permittee shall install and maintain the mitigation project.
- 2607.11 In selecting sites for mitigation within geographic regions, an applicant shall avoid, whenever possible, the following types of sites:
- (a) Forested lands;
 - (b) Lands known to have soil and groundwater contamination;
 - (c) Lands that have or will have limited access for wildlife or aquatic life because of traffic or other human activities;
 - (d) Lands that are existing or potential habitat for any species that are:
 - (1) Listed as endangered or threatened by the Department or the U.S. Fish and Wildlife Service; or

- (2) Considered to be locally unusual, rare, or identified as a species of greatest conservation need in the District Wildlife Action Plan, accessible on the Department’s website; and
- (e) A site designed or constructed to remove or treat pollutants from stormwater runoff.

2607.12 The applicant shall calculate mitigation requirements as follows:

- (a) The minimum mitigation ratio, between the area of wetland or stream mitigation and the area of wetlands or streams impacted, shall be 1:1; and
- (b) The mitigation shall:
 - (1) Where appropriate functional or condition assessment methods or other suitable metrics are available, replace lost wetland or stream functions; and
 - (2) Where functional or condition assessment methods or other suitable metrics are not available, mitigate impacts using the mitigation ratios in § 2607.14 and § 2607.15.

2607.13 A mitigation ratio shall be expressed as:

- (a) A relationship between the area of wetland mitigation and the area of wetlands impacted; or
- (b) A relationship between the area of stream mitigation and the area of streams impacted.

2607.14 The mitigation ratios for impacts to streams, when functional or condition assessment methods or other suitable metrics are not available, shall be as follows:

Type of Stream	Restoration Ratio	Preservation and Enhancement Ratio	District Wetland and Stream Mitigation Trust Fund Payment
Ephemeral	1:1	1.5:1	1.5:1
Intermittent	2:1	3:1	3:1
Perennial	2:1	3:1	3:1

2607.15 The mitigation ratio for impacts to wetland areas, when functional or condition assessment methods or other suitable metrics are not available, shall be as follows:

Wetland Type	Mitigation Method		
	Creation/Restoration	Enhancement and Preservation	District Wetland and Stream Mitigation Trust Fund Payment
Emergent	1:1	1.5:1	1.5:1
Shrub-scrub	2:1	3:1	3:1
Forested	2:1	3:1	3:1
Emergent Wetland of Special Concern	2:1	3:1	3:1
Shrub-scrub Wetland of Special Concern	3:1	4.5:1	4.5:1
Forested Wetland of Special Concern	3:1	4.5:1	4.5:1

2607.16 The Department may accept reduced mitigation requirements if the regulated activity provides a significant environmental benefit as determined by the Department.

2607.17 The Department shall require higher mitigation ratios for activities conducted without or prior to obtaining a permit or certification required by this chapter, as follows:

Resource Type	Restoration/ Creation Ratio	Preservation and Enhancement Ratio	District Wetland and Stream Mitigation Trust Fund Payment
Stream	3:1	4:1	4:1
Wetland	4:1	5:1	5:1

2607.18 A permittee may fulfill the mitigation requirement for damage to or destruction of habitat from dredge-and-fill or construction activity through payment into the District’s Wetland and Stream Mitigation Trust Fund if:

- (a) Permittee-responsible mitigation is not practicable based on the justification and a determination of the considerations provided in accordance with §§ 2607.19 and 2607.20; or

- (b) Cumulative impacts for a single project total less than or equal to two thousand five hundred (2,500) square-feet.

2607.19 If an applicant proposes payment into the District's Wetland and Stream Mitigation Trust Fund, the applicant shall demonstrate to the satisfaction of the Department that all practicable mitigation alternatives have been analyzed and that permittee-responsible mitigation is not practicable.

2607.20 In determining whether payment into the District's Wetland and Stream Mitigation Trust Fund is justified and permittee-responsible mitigation is not practicable, the Department will consider the following:

- (a) Whether the applicant has thoroughly examined the feasibility of at least four (4) mitigation sites;
- (b) Whether mitigation can reasonably be accomplished using one (1) or more other sites in the District that were not examined by the applicant;
- (c) Whether the applicant has made a good-faith effort to address site constraints, such as inadequate zoning, infrastructure, or parcel size, that caused an alternative to the proposed mitigation site alternatives to be rejected;
- (d) Correspondence or other written documentation between an applicant and alternative site landowner(s) that demonstrates the site(s) is unsuitable or unavailable for purchase during the site selection process; and
- (e) Whether the applicant has provided scientific evidence to determine a site is not suitable for mitigation.

2608 MITIGATION PLAN

2608.1 If a proposed project results in unavoidable impacts to wetlands or streams after first trying to avoid and then attempting to minimize such impacts, the applicant shall develop and implement a mitigation plan.

2608.2 The applicant shall submit the mitigation plan as part of the permit or certification application process. The mitigation plan shall include the following information:

- (a) Names, addresses, and telephone numbers of the principals associated with project implementation;
- (b) A proposal, if applicable, to use the District's Wetland and Stream Mitigation Trust Fund, consistent with §§ 2607.19 and 2607.20, to fulfill mitigation requirements;

- (c) A description of mitigation projects proposed to fulfill the mitigation requirement, including the proposed source of hydrology and project location maps showing the geographic relationship between the area of potential impacts and the proposed mitigation sites;
- (d) A description of the mitigation project objectives, including the wetland or stream type(s) and amount(s) of restoration, creation, enhancement and preservation that will be provided, and the manner in which the ecosystem functions of the mitigation project will address the needs of the watershed;
- (e) A description of the factors considered during the site selection process, including consideration of watershed needs, on-site alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining wetland creation, and/or stream or wetland restoration, enhancement, or preservation at the mitigation project site;
- (f) A description of the legal arrangements, including site ownership, and site protection legal instruments, such as environmental covenants, that will be used to ensure the long-term protection of the mitigation project site;
- (g) A description of baseline information on the ecological characteristics of the proposed mitigation project site. Baseline information may include the following:
 - (1) Descriptions of historic and existing plant communities;
 - (2) Historic and existing hydrology and soil conditions;
 - (3) Map showing the locations of the impact and mitigation site(s) or the geographic coordinates for those site(s);
 - (4) Other site characteristics appropriate to the type of resource being proposed as compensation;
 - (5) A map of the existing conditions at the mitigation site(s) that includes streams and wetlands with each type labeled, floodplain extent, ordinary high water elevation, normal water elevation, location of culverts, location of outfalls, location of tributaries, topographic features, thalweg, boundaries of areas dominated by invasive plant species, proposed protective buffers, and the proposed boundary of preservation; and
 - (6) A report on the delineation of wetlands and streams on the proposed mitigation project site(s).

- (h) A determination of mitigation ratios based on the type and functions of the wetland or stream. For permittee-responsible mitigation, this should include an explanation of how the mitigation project will provide the required mitigation for unavoidable impacts to wetlands and streams resulting from the regulated activity;
- (i) A mitigation work plan with detailed written specifications and work description for the mitigation project, including the following:
 - (1) Geographical boundaries and plan view scaled drawings that include the following:
 - (i) A vicinity map showing the mitigation project location, existing land use, and zoning;
 - (ii) The location, type, and area of proposed wetland or stream mitigation activities;
 - (iii) The proposed location of stockpile areas or staging areas;
 - (iv) The location of sediment and erosion control practices and disturbance areas;
 - (v) For stream restoration, the location of proposed ordinary high water elevation, normal water elevation, topographic features, thalweg, sinuosity measurements, and habitat enhancement features;
 - (vi) Detailed grading plans;
 - (vii) The limits of cut and fill areas;
 - (viii) The extent and acreage of existing vegetation and proposed vegetation planting zones;
 - (ix) The targeted canopy cover;
 - (x) The location of riparian buffer areas and plant species to be included in the buffer area;
 - (xi) The proposed location of stockpile areas or staging areas;
 - (xii) The locations of all areas used to stage machinery, equipment, or supplies;
 - (xiii) The proposed sources of borrow materials;

- (xiv) Total rock fill to be used for habitat/stabilization measures;
 - (xv) Flow rate, hydrologic flow regime, and storm event flow characteristics;
 - (xvi) The proposed location, spacing, and type of propagules for each plant species; and
 - (xvii) The location of photo stations, monitoring wells, vegetation sampling points, and reference wetlands or streams (if available).
- (2) Cross-section drawings of mitigation and buffer areas showing existing and proposed final site conditions including grade, elevation, slope, and expected maximum and normal water depths, and natural channel design measurements;
 - (3) A longitudinal profile of existing and proposed land surface;
 - (4) A description of how creation, restoration, enhancement, or, if applicable, preservation will replace lost functions;
 - (5) A description of creation, restoration, or enhancement techniques and site grading;
 - (6) A construction schedule that includes estimated start, completion dates, and planting timeline;
 - (7) A hydrologic analysis that includes:
 - (i) The proposed location of groundwater monitoring wells to collect groundwater data;
 - (ii) Estimated elevation and quality of surface water and groundwater as measured from the soil surface at a frequency and duration approved by the Department as part of its approval of the mitigation plan;
 - (iii) Sources of hydrology, such as groundwater, precipitation, and surface water, over various seasons of the year;
 - (iv) Reliability of the hydrologic sources throughout the various seasons of the year;
 - (v) Relevant precipitation data; and

- (vi) Water budget analysis for a proposed wetland based on expected monthly inputs and outputs that will project water level elevations for a typical year, a dry year, and a wet year;
- (8) A description of substrate conditions for:
 - (i) Existing soil and substrate conditions; and
 - (ii) Soil and substrate amendments needed to meet hydric soil characteristics and maintain the specified aquatic or plant species;
- (9) Native vegetation or plants to be planted with the following information:
 - (i) The scientific and common names of plant species;
 - (ii) Planting dates for each species according to propagation method; and
 - (iii) Planting stock fertilizer or soil amendment requirements for the entire five (5) year to ten (10) year monitoring period;
- (j) An invasive plant monitoring plan establishing responsibility for the removal of invasive plants until permanent establishment of the wetland or stream system and its component parts;
- (k) A maintenance plan, including a description and schedule of maintenance requirements to ensure the continued viability of the mitigation site once monitoring is completed;
- (l) Performance standards to measure the effectiveness of the mitigation plan at achieving mitigation goals and offsetting the authorized impacts to wetlands, which shall:
 - (1) Be ecologically-based, objective, quantitative, verifiable, and relate to the specific goals of the mitigation plan;
 - (2) Include measures to ensure achievement of plant survival criteria in § 2610.6; and
 - (3) Describe criteria for measuring interim progress and determining whether the mitigation site is developing as expected.

- (m) Monitoring requirements describing parameters to be monitored in order to determine if the mitigation project is meeting performance standards and, if adaptive management is needed, a methodology for monitoring each parameter and a schedule for monitoring and reporting monitoring results to the Department;
- (n) A long-term management plan to ensure the long-term sustainability of the resource that describes how the mitigation project will be managed after performance standards have been achieved, including long-term financing mechanisms and responsibility for long-term management;
- (o) An adaptive management plan to address failure to achieve or maintain performance standards, including identification of the party or parties responsible for implementing adaptive management measures;
- (p) A description of financial assurances that will be provided in accordance with § 2609 and how these assurances are sufficient to ensure that the mitigation project will be successfully completed in accordance with its performance standards; and
- (q) Other information the Department may require as necessary to determine the appropriateness, feasibility, and practicability of the mitigation project.

2608.3 Proposed mitigation projects will be evaluated by the Department to assess:

- (a) The likelihood for ecological success, functional uplift, and sustainability; and
- (b) The location of the mitigation project site relative to the impact site and the function of both the mitigation project site and impact site in the watershed.

2608.4 In determining whether proposed mitigation adequately replaces wetland or stream functions and area, the Department will consider the following:

- (a) Scope and extent of the mitigation;
- (b) Proximity of the mitigation to the wetland or stream;
- (c) Technical merits of the mitigation and its likelihood of long-term success;
- (d) Temporal losses of wetland or stream functions and ecological, recreational, and aesthetic values;
- (e) Adverse impact of the mitigation on natural resources; and

- (f) Relationship of the mitigation to ongoing natural resource management activities.

2608.5 The Department may not approve a mitigation plan that includes invasive plants.

2608.6 The Department may not approve a mitigation plan that includes a stormwater management practice required pursuant to chapter 5 of this title or a permit issued pursuant to CWA § 402 (33 U.S.C. § 1342) as part of the mitigation project.

2608.7 The Department may approve or disapprove the mitigation plan as part of the permit application decision.

2608.8 If the Department disapproves the mitigation plan, the Department will provide guidance to the applicant on the changes necessary for approval of the mitigation plan.

2608.9 An applicant shall provide the Department or its designee access to the mitigation site to inspect during business hours.

2609 BONDING AND SECURITY REQUIREMENTS

2609.1 The bonding requirements of this section do not apply to agencies of the District or federal government.

2609.2 Except as provided in 2609.4, the applicant shall file with the Department a surety bond in a form approved by the Department before a request for a permit or certification will be approved.

2609.3 The bond shall be payable to the Department and will remain in effect until the permittee's successful completion of the mitigation project according to an approved mitigation plan.

2609.4 Instead of a surety bond, the Department may accept one of the following alternate forms of security:

- (a) An irrevocable letter of credit in an amount equivalent to the required bond, issued by a bank or financial institution organized or authorized to do business in the District, that expressly states that the total sum is guaranteed to be available and payable directly to the Department on demand in the event of forfeiture by the applicant; or
- (b) The fulfillment of mitigation requirements before initiation of the permitted activity, if that permitted activity will result in impacts to wetlands or streams.

- 2609.5 If the applicant supplies an alternate form of security pursuant to § 2609.4, the applicant shall submit documentation of that form of security to the Department.
- 2609.6 A bond or letter of credit shall not expire until construction of the mitigation project and the monitoring and maintenance requirements have been successfully completed pursuant to the approved mitigation plan.
- 2609.7 The amount of the bond shall be the cost to acquire the land and provide mitigation, which shall be determined by the Department based on the prevailing market values of land in the District.
- 2609.8 An applicant may request reduction of the bond amount by submitting a written request to the Department with a justification for reducing the bond amount, including estimated or actual costs to complete the mitigation project, and any other relevant information.
- 2609.9 The Department will determine whether a lesser amount is sufficient to cover the cost of mitigation by considering the following:
- (a) The number of acres or linear feet to be mitigated;
 - (b) The current cost of land in the area of the mitigation site;
 - (c) The proposed method of mitigation;
 - (d) The type and value of the wetland to be created or type and functions of the stream to be created or restored; and
 - (e) Any other relevant factors, including the likelihood of success of the project.
- 2609.10 The permittee's liability under a bond shall continue until the Department receives and approves an as-built plan for the mitigation project and the surety or financial institution receives written notice from the Department that construction of the mitigation project was successfully completed.
- 2609.11 A surety bond or alternate form of security shall not be canceled by the surety, bank, or other issuing entity unless the issuing entity notifies the Department and the permittee of its intent to cancel the bond or other alternate form of security, in writing, by registered mail, not less than ninety (90) calendar days before cancellation.
- 2609.12 At least forty-five (45) calendar days before the cancellation date indicated in a notice given pursuant to § 2609.11, the permittee shall file with the Department a commitment from a surety, bank, or other issuing entity to provide a substitute bond or other alternate form of security that will be effective on the cancellation date indicated in the notice.

- 2609.13 The bond or alternate form of security shall be subject to forfeiture upon:
- (a) Revocation of a wetland and stream permit by the Department;
 - (b) Failure of the permittee to comply with an administrative order; or
 - (c) Failure to comply with any element of the approved mitigation plan and any approved modifications.
- 2609.14 The Department shall notify the permittee and the surety, bank, or other issuing entity of the Department's intention to initiate forfeiture proceedings in writing by certified mail.
- 2609.15 The permittee shall have thirty (30) calendar days from receipt of the notice of forfeiture to correct any deficiencies in compliance with the mitigation plan or otherwise show cause why the bond or other instrument should not be forfeited.
- 2609.16 If the permittee fails to correct any deficiencies or show cause as required in § 2609.15, the bond or other security shall be forfeited.
- 2609.17 The Department shall prohibit a permittee from conducting a regulated activity in a wetland or stream if the permittee previously forfeited any bond or alternate form of security under this chapter, unless:
- (a) The permittee repays the Department the cost incurred by the Department in completing the mitigation project that is in excess of the forfeited bond or alternate form of security plus interest of one-and-one-half percent (1.5%) per month; or
 - (b) If the mitigation project is still not completed, the permittee completes the mitigation project at its expense according to the approved mitigation plan and any approved modifications.
- 2609.18 The Department may require the permittee to provide documentation of a long-term protection mechanism on the land where mitigation has occurred, in accordance with § 2610.14, before the permittee may release a bond or alternate form of security.

**2610 IMPLEMENTATION OF APPROVED MITIGATION PLAN,
MAINTENANCE, AND MONITORING REQUIREMENTS**

- 2610.1 A permittee shall implement the approved mitigation plan within the time period required by the Department and specified in the mitigation plan.

- 2610.2 A permittee shall maintain and monitor all created, restored, and enhanced emergent wetlands, shrub-scrub wetlands, or streams for at least five (5) years.
- 2610.3 A permittee shall maintain and monitor created, restored, and enhanced forested wetlands for at least ten (10) years.
- 2610.4 The Department may require a longer monitoring period for wetlands or streams with slow development rates, such as bogs.
- 2610.5 Monitoring events must occur during the growing season and during a period with normal precipitation and groundwater levels.
- 2610.6 A permittee shall ensure that after five (5) years, greater than eighty-five percent (85%) of the site is vegetated by native species.
- 2610.7 In the case of a permittee who has proposed the use of natural re-vegetation as part of the creation, restoration, or enhancement project, after five (5) years, greater than eighty-five percent (85%) of the site shall be vegetated by native species similar to those found in the wetland lost or by a species composition agreed to by the Department.
- 2610.8 A permittee shall submit annual maintenance and monitoring reports for a minimum of five (5) years from the completion of the construction of the mitigation project to the Department, unless the permittee has received written notice from the Department that the maintenance and monitoring requirements have been fulfilled in less than five (5) years.
- 2610.9 The annual maintenance and monitoring reports shall include the following information:
- (a) A description of how the mitigation project meets performance standards;
 - (b) Any change in status or performance from the previous year;
 - (c) Photographs of the mitigation project accurately representing the status of the project;
 - (d) The commercial source of planting stock whenever replanting is required;
 - (e) A description of any modifications that have been made or need to be made to implement the mitigation plan or plan component so as to meet the performance standards; and
 - (f) An as-built site design plan following completion of the mitigation project for year one (1) and year five (5).

- 2610.10 Upon presentation of appropriate credentials to the permittee or property owner, the Department may, consistent with section 205 of the Fisheries and Wildlife Omnibus Amendment Act of 2016, effective May 19, 2017 (D.C. Law 21-282; D.C. Official Code § 8-1731.05), enter the mitigation site at reasonable times during construction, the required monitoring period, and afterwards to inspect the mitigation project and assess the long-term viability of the mitigation site.
- 2610.11 The permittee's maintenance and monitoring requirements shall be deemed to be fulfilled upon receipt of written approval notice from the Department.
- 2610.12 If the mitigation project fails to comply with survival criteria, the Department may, through written notification to the permittee, extend the required monitoring period for up to an additional three (3) years.
- 2610.13 If the created or restored wetland or stream does not meet the performance standards by the final monitoring year period, including any extensions, the permittee shall submit a new mitigation plan to the Department in accordance with §§ 2607 through 2610 and, upon Department approval, implement the new mitigation plan.
- 2610.14 The permittee shall ensure the long-term protection of the wetlands, streams, riparian buffers, and uplands that comprise the overall mitigation project through one of the following protection mechanisms:
- (a) A conservation easement;
 - (b) Conveyance of the wetlands, streams, riparian buffers, and uplands that comprise the overall mitigation project to an organization or public agency capable of protecting the area in perpetuity;
 - (c) A restrictive covenant; or
 - (d) Another mechanism approved by the Department.
- 2610.15 For mitigation projects located on government property, long-term protection may be provided through facility management plans or integrated natural resources management plans.
- 2610.16 Any long-term protection mechanism shall include the following:
- (a) Language granting the Department, including any successor agency, and its designee, access to the mitigation site for inspections;
 - (b) An absolute prohibition on the draining, dredging, removal, or filling of the created wetland site;

- (c) Language that the restriction is binding on the grantor's personal representatives, heirs, successors, and assigns and runs with the land; and
- (d) A provision requiring notification to the Department sixty (60) calendar days before any action is taken to void or modify the long-term protection mechanism.

2610.17 The long-term protection mechanism must, to the extent appropriate and practicable, prohibit incompatible uses that might otherwise jeopardize the objectives of the mitigation project.

2610.18 A permittee shall design mitigation projects, to the maximum extent practicable, to be self-sustaining once performance standards have been achieved, using appropriate siting to ensure that natural hydrology and landscape context will support long-term sustainability, and minimizing the use of active engineering features, such as pumps.

2610.19 If active long-term management and maintenance, such as invasive plant species control, maintenance of water control structures, or easement enforcement, are necessary to ensure long-term sustainability of the mitigation project, the permittee must provide for such management and maintenance, including providing any necessary long-term financing mechanisms.

2611 DISTRICT WETLAND AND STREAM MITIGATION TRUST FUND PAYMENT

2611.1 The Department may accept payment into the District Wetland and Stream Mitigation Trust Fund instead of permittee-responsible mitigation when such payment authorized in accordance with §§ 2607.18 and 2607.19.

2611.2 Payment into the District Wetland and Stream Mitigation Trust Fund shall not be a substitute for the requirement to avoid or minimize wetland or stream impacts.

2611.3 An applicant proposing to make a payment into the District Wetland and Stream Mitigation Trust Fund shall so state in the permit application.

2611.4 In order to obtain approval of a proposed payment into the District Wetland and Stream Mitigation Trust Fund for a project, an applicant shall demonstrate the technical infeasibility of permittee-responsible mitigation specified in §§ 2607.18 and 2607.19 by providing the following information:

- (a) An evaluation of a minimum of four (4) potential mitigation sites;
- (b) A map and description of each site rejected;
- (c) A justification as to why each site was unsuitable for mitigation; and

(d) Other information as required by the Department.

2611.5 The Department may reject a proposal for payment into the District Wetland and Stream Mitigation Trust Fund if the Department determines that mitigation requirements can be fulfilled on-site or permittee-responsible mitigation is technically feasible or practicable.

2611.6 The Department may approve or disapprove a proposal for payment into the District Wetland and Stream Mitigation Trust Fund as part of a final permit.

2611.7 The payment schedule for the District Wetland and Stream Mitigation Trust Fund is included below. The applicant must calculate the cost for each mitigation component listed. The sum of the costs equals the total amount of payment due.

Mitigation Component	Cost
Land Acquisition	Land market value ¹
Wetland or Stream Design	\$25,000 per acre
Wetland or Stream Construction and Planting	\$200,000 per acre
Wetland or Stream Maintenance and Monitoring for Five Years	\$15,000 per year
Administrative Cost for Five Years	\$8,000 per year

¹Land market value for the project site or a similar site that would be suitable for a mitigation project.

2611.8 The Department shall adjust the fees in this section for inflation annually, using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics. To perform this adjustment, the Department shall increase each fee by the percentage, if any, by which the Urban Consumer Price Index for June of the calendar year exceeds the Urban Consumer Price Index for June of the previous year. Each inflation adjustment shall be posted to the Department’s website.

2611.9 The applicant shall use the mitigation ratios in §§ 2607.14 and 2607.15 to calculate the total mitigation fees based on the ratio of impacted stream or wetland area.

2612 PUBLIC NOTICE AND REVIEW OF WETLAND AND STREAM PERMIT APPLICATIONS

2612.1 Before issuing a wetland and stream permit or certification, the Department shall provide notice of the intent to issue the permit and the opportunity for a public hearing and may provide notice of an opportunity for the public to review the proposed project and submit written comments about the application.

2612.2 The public notice shall be given by:

- (a) Joint notice with other federal or District agencies in the Federal Register or D.C. Register;
- (b) Publication for at least one (1) business day in a daily newspaper of general circulation in the District; or
- (c) Publication in the D.C. Register.

2612.3 The Department may also provide for a comment period, of a duration determined by the Department, if and to the extent that the Department determines that a comment period would be in the public interest. After that comment period has ended and the Department has held a public hearing, if requested, the Department shall:

- (a) Consider and review the written comments, testimony, and other information received; and
- (b) Grant, deny, or condition a permit.

2612.4 The Department may delay a decision to grant, deny, or condition a permit for the following circumstances:

- (a) Review required by federal agencies;
- (b) Review required by other District agencies; or
- (c) A request by an applicant.

2612.5 The Department may request additional information from the applicant or give the applicant an opportunity to provide additional information to address concerns raised during the public comment period or public hearing.

2612.6 The applicant may request, in writing, that the Department withhold its decision until additional information can be provided.

2612.7 If the applicant fails to provide additional information requested by the Department within six (6) months, the Department may consider the application as withdrawn.

2613 PERMIT AND CERTIFICATION DECISION AND APPEAL

2613.1 The Department will notify an applicant in writing of the Department's permit decision.

2613.2 The Department may issue a permit or certification only after an applicant has provided the Department a final site plan showing intended impacts and the

information required by this chapter in accordance with §§ 2602, 2604, 2605, 2606, 2607, 2608, and 2609.

- 2613.3 An applicant shall not begin work authorized under a permit or certification until the Department has issued a permit.
- 2613.4 A permittee shall conduct all regulated activities in accordance with the permit or certification, including the approved final site plan and mitigation plan.
- 2613.5 A permit or certification issued by the Department is valid for five (5) years, unless the permit is modified, reissued, or revoked.
- 2613.6 The Department may issue a permit or certification after-the-fact for regulated activities conducted without a permit or certification if the work meets the requirements of this chapter and the applicant submits a mitigation plan meeting the mitigation ratios in §§ 2607.14 and 2607.15.
- 2613.7 The permit or certification shall specify the time period for which it is valid.

2614 WETLAND AND STREAM PERMIT MODIFICATION

- 2614.1 The Department may require a permittee to make modifications to an approved site plan or mitigation plan during construction to ensure compliance with this chapter.
- 2614.2 The Department may require a change to a site plan, mitigation plan, or component of a site plan or mitigation plan if the Department determines that a discrepancy between site conditions and the approved plan makes the plan inadequate to comply with the requirements of this chapter.
- 2614.3 A permittee may request that the Department make modifications to a permit or an approved site plan, mitigation plan, or component of a site plan or mitigation plan during construction to ensure compliance with this chapter.
- 2614.4 A permittee may not change an approved plan or its implementation without Department approval as follows:
- (a) If a change is substantial, the permittee shall resubmit the revised plan to the Department for approval in accordance with this chapter; and
 - (b) If a change is not substantial, the permittee may secure written approval from the Department by mail, email, or modification of approved plans signed by a Department employee without submission of a revised application.

- 2614.5 For the purposes of this chapter, a substantial change in an approved plan is a change in design, specification, construction, operation, or maintenance that the Department determines:
- (a) May result in a failure to comply with a requirement of this chapter; or
 - (b) Has an impact on District waters.
- 2614.6 A permittee shall make a request for modifications in writing, and the request shall contain the following information:
- (a) The name of the permittee;
 - (b) The location of the wetland or stream impacts or mitigation project;
 - (c) A description of the proposed modification; and
 - (d) A justification for the modification
- 2614.7 For a substantial modification, a permittee shall submit a revised plan through the submittal database, and pay appropriate fees in set forth in § 2604.
- 2614.8 The Department will notify a permittee in writing whether the Department approves the permit or plan modification decision.

2615 SUSPENSION AND REVOCATION OF PERMIT

- 2615.1 The Department may suspend or revoke a permit or certification if the Department determines that any of the following has occurred:
- (a) The permittee has failed to post a required bond or alternate form of security;
 - (b) The permittee has failed to comply with the requirements of a compliance or administrative order;
 - (c) The permittee has falsified or misrepresented any information in the permit application process;
 - (d) The permittee has failed to disclose a relevant or material fact;
 - (e) The permittee has violated a requirement of the permit;
 - (f) The permittee has substantially deviated from the plans, specifications, or requirements of the permit;

- (g) The permittee has prevented a representative of the Department from entering the regulated activity or mitigation site to make reasonable inspections;
- (h) New information or changes in site conditions necessitate revocation or suspension; or
- (i) Other good cause to suspend or revoke the permit exists.

2615.2 Except as provided for emergency actions, the Department may suspend or revoke a wetland and stream permit or certification only if the Department first gives the permittee written notice of the facts that warrant suspension or revocation and provides the permittee an opportunity to request a hearing in accordance with § 2505.

2615.3 The Department may order the immediate suspension or revocation of a permit or certification if the Department finds that the public health, safety, or welfare requires the emergency action and promptly gives the permittee written notice of the emergency action.

2615.4 A notice of emergency action shall include a statement of the specific facts upon which the emergency action is based and provide information regarding the permittee's opportunity to request a hearing in accordance with § 2505.

2615.5 If the Department revokes a permit, the permittee shall restore the wetland or stream to its condition before the regulated activity began.

2616 WETLANDS OF SPECIAL CONCERN

2616.1 Wetlands designated as wetlands of special concern have exceptional ecological value and safeguard the natural diversity of the District's wetlands.

2616.2 The Department may designate any of the following as wetlands of special concern:

- (a) Wetlands providing habitat or ecologically important buffers for the habitat of plant or animal species listed as federally threatened, endangered, or rare by the U.S. Fish and Wildlife Service;
- (b) Wetlands providing habitat or ecologically important buffers for the habitat of plant or animal species listed as District species of greatest conservation need;
- (c) Wetlands containing any of the following: vernal pools, headwater wetlands, groundwater seeps, or springs;
- (d) Tidal wetlands; and

- (e) Wetlands identified as Conservation Opportunity Areas in the District’s Wildlife Action Plan.

2616.3 Maps of areas designated as wetlands of special concern will be available for public review on the Department’s website. Wetlands of special concern include the following:

- (a) Potomac River Floodplain wetlands;
- (b) Oxon Run wetlands;
- (c) Northern Rock Creek wetlands KA, KB, KG, JZ, JY, JX, KF, KI, and KH (as listed in the District’s 2016 Wetland Conservation Plan);
- (d) Anacostia River Gateway wetlands;
- (e) Anacostia River tidal wetlands;
- (f) Kenilworth wetlands;
- (g) Kingman Island wetlands;
- (h) Heritage Island wetlands;
- (i) Poplar Point wetlands;
- (j) Piney Branch wetlands LP and LQ (as listed in the District’s 2016 Wetland Conservation Plan); and
- (k) Theodore Roosevelt Island wetlands.

2616.4 The Department may annually update the map and list of areas designated as wetlands of special concern in § 2616.3.

2616.5 Mitigation for impacts to wetlands of special concern shall replace lost aquatic resource function.

2699 DEFINITIONS

2699.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Adaptive Management –a management strategy that anticipates likely challenges associated with mitigation projects and provides for the implementation of actions to address those challenges, as well as unforeseen changes to those

projects. It requires consideration of the risk, uncertainty, and dynamic nature of mitigation projects and guides modification of those projects to optimize performance. It includes the selection of appropriate measures that will ensure that the aquatic resource functions are provided and involves analysis of monitoring results to identify potential problems of a mitigation project and the identification and implementation of measures to rectify those problems.

Applicant - the legal property owner, an officer or an authorized agent of a corporation that is the legal owner or agent of the legal owner of the property, a legally authorized official of the federal or District of Columbia government, or an authorized partner of an association or partnership.

Aquatic resource – riparian ecosystems, surface waters, and groundwater systems.

Aquatic vegetation - vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Basic project purpose – the primary need that will be fulfilled by the proposed regulated activity that is used to determine whether a project is water-dependent. For example, the purpose of a residential development is to provide housing for people.

Certification or water quality certification – certification by the District pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) that a federal Clean Water Act Section 404 (33 U.S.C. § 1344) permit or letter of approval issued by the U.S. Army Corps of Engineers complies with the District's laws and regulations.

Clean Water Act - the Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act (CWA) of 1977 and later amendments (33 U.S.C. §§ 1251 *et seq.*).

Corps of Engineers Wetland Delineation Manual – a publication of the U.S. Army Corps of Engineers Waterways Experiment Station titled "Corps of Engineers Wetlands Delineation Manual," (Wetlands Research Program Technical Report Y-87-1, January 1987) and the most recently approved U.S. Army Corps of Engineers guidance (<https://www.nab.usace.army.mil/Missions/Regulatory/Jurisdictional-Determinations/>).

Created wetland - a wetland created on a site that previously was not a wetland to replace wetlands that were unavoidably impacted during design and construction of a project.

Creation – the manipulation of the physical, chemical, or biological characteristics of a site to develop a wetland that did not previously exist on an upland or deepwater site, resulting in an increase in wetland area.

Cowardin Classification – unless otherwise specified in this chapter, means the waters classification system in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, Lewis M. II, et al., U.S. Fish and Wildlife Service, December 1979, Reprinted 1982), located here: <https://www.fws.gov/wetlands/Documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States.pdf>.

Department – the Department of Energy and Environment, or its successor agency.

District - the District of Columbia.

District of Columbia Wetland Conservation Plan – the plan published by the Department to manage, protect, preserve, enhance, and extend the remaining wetlands in the District with a two-fold goal of (1) no net loss of wetland acreage and function, and (2) eventual overall net gain of wetland acreage and function. The District Wetland Conservation Plan is located here: <https://doee.dc.gov/service/wetland-mapping-and-registry>

District waters:

- (a) Means flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District;
- (b) Excludes:
 - (1) Water on private property prevented from reaching underground or land water courses; and
 - (2) Water in closed collection or distribution systems.

Drainage - methods for changing the hydrologic conditions of wetlands, including lowering groundwater or surface water levels through pumping, ditching, diverting, or otherwise altering water flow patterns.

Endangered species - fish, wildlife, or plants designated under the federal Endangered Species Act, in 50 C.F.R. §§ 17.11 and 17.12.

Enhancement - the manipulation of the physical, chemical, or biological characteristics of a wetland or stream to heighten, intensify, or improve

specific function(s), that does not result in a gain in wetland or stream acres.

Ephemeral stream - flowing water in stream beds present during, and for a short duration after, precipitation events in a typical year, but not including streams for which groundwater is a source of the water.

Emergent wetland – a wetland dominated by erect, rooted, herbaceous vegetation.

Fill - any material placed in an area that changes the elevation of the preexisting surface water or groundwater level, or the soil surface.

Forested wetland – a class of wetland dominated by woody vegetation that is twenty (20) feet tall or taller and three (3) inches or larger in diameter at breast height. These areas typically possess an overstory of trees, an understory of trees or shrubs, and an herbaceous layer.

Function - the role an aquatic resource serves through the physical, chemical, and biological processes that occur in the ecosystem, including:

- (a) Passive recreation, uniqueness, and natural heritage value;
- (b) Habitat for wildlife or fisheries;
- (c) Sediment trapping or stabilization (short term);
- (d) Flood desynchronization;
- (e) Food chain support (nutrient export);
- (f) Dissipation of erosive forces;
- (g) Active recreation;
- (h) Groundwater discharge or groundwater recharge;
- (i) Nutrient retention or removal (long term);
- (j) Sediment trapping or stabilization (long term);
- (k) Reduction of pollutant loadings, including excess nutrients, sediment, and toxics;
- (l) Attenuation of floodwaters and storm waters;

- (m) Shoreline stabilization and erosion control; or
- (n) Breeding grounds and habitat for species of plants and wildlife including fish, game, and non-game birds and mammals, including threatened, endangered and rare species and species in need of conservation.

General area - the geographic vicinity that has desired characteristics for fulfilling the basic project purpose.

Headwaters - the source or beginning of a stream or river.

Impact – adverse effect or to adversely affect.

Indirect impact – effects caused by the activity that occur after completion of the project or outside the project area, but were still reasonably foreseeable.

Initial planning phase - the period of time during which the feasibility of a project is evaluated before committing resources necessary for its implementation.

Intermittent stream - a stream that does not have flowing surface water during dry periods of the year, but has flowing water during certain times of the year resulting from the flow of groundwater, although runoff from rainfall can serve as a supplemental source of water for stream flow.

Jurisdictional determination - the determination made by the U.S. Army Corps of Engineers regarding its jurisdiction after determining whether:

- (a) The waters are waters of the United States; or
- (b) If not waters of the United States, whether the proposed type of activity may nevertheless so affect the waters of the United States that the assertion of federal regulatory jurisdiction is deemed necessary.

Maintenance:

- (a) Means activities undertaken to prevent the deterioration, impairment, or need for repair of a serviceable fill area, structure, right-of-way, or land use, including management of vegetation and replacement of structural components.
- (b) Does not include dredging, excavating, or filling, unless such action is conducted in a temporary sediment control structure, wash pond, or roadside ditch.

Minimize - to reduce impacts to wetlands, streams, and District waters to the greatest practicable and reasonable degree.

Mitigation – the restoration, creation, enhancement, or preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization measures have been taken.

Native - indigenous to the District.

Non-tidal wetland – a wetland that is not subject to the ebb and flow of tidal waters.

On-site – on the same project site on which a District waters have been impacted by a regulated activity.

Perennial stream – a stream that has flowing water year-round during a typical year, for which groundwater is the primary source of stream flow, and runoff from rainfall may be a supplemental source of stream flow. The water table is located above the stream bed for most of the year.

Permittee - an applicant to whom a permit has been granted by the Department in accordance with this chapter.

Permittee-responsible mitigation - a mitigation activity undertaken by the permittee (or an authorized agent or contractor) to provide mitigation for which the permittee retains full responsibility for meeting the established mitigation performance standards, long-term maintenance, and long-term protection of the mitigation site.

Permanent impacts –impacts to a wetland or stream that cause a permanent alteration of the physical, chemical, or biological properties of the stream, wetland, or other aquatic resource acreage or functions.

Performance standards – observable or measurable physical (including hydrological), chemical, or biological attributes that are used to determine whether a mitigation project meets its objectives.

Plan view drawing – a scaled graph or plot that represents the view of an object as projected onto orthogonal planes.

Pond - a still body of water, whether formed naturally or created artificially, that:

- (a) Lacks wave action on the shoreline;

- (b) Allows light to penetrate to the bottom; and
- (c) Is shallow enough for rooted water plants to grow.

Practicable - available and capable of being done after taking into consideration costs, existing technology, and logistics in light of the basic project purpose.

Preservation:

- (a) Means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources; and
- (b) Includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms.

Project - the entire activity on one or more parcels of land, of which a regulated activity is a part, including all proposed and projected phases and sections of land subdivisions.

Profile drawing – a scaled graph of plot that represents the side view of an object.

Propagule - a structure (such as a cutting, a seed, or a spore) that propagates a plant.

Regulated activity - any activity that is undertaken or originates in a wetland or stream, including the following:

- (a) Removing, excavating, dredging, or filling with soil including sediments, sand, gravel, minerals, organic matter, or materials of any kind;
- (b) Changing, blocking or diverting existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Disturbing the surface water level or groundwater elevation by drainage, impoundment, diversion, filling, or other means;
- (d) Dumping or discharging or filling with materials;
- (e) Grading or removing materials that would alter existing topography;

- (f) Destroying or removing plant or aquatic life that would alter the character of a wetland;
- (g) Introducing plant or aquatic life that would alter the character of a wetland;
- (h) Diverting, obstructing, or piping water flow from its natural path;
- (i) Conducting sediment or water sampling activities or studies;
- (j) Driving piles, paving, and placing obstructions; and
- (k) Undertaking other activities that change the physical, biological, and chemical integrity of a wetland.

Restoration - the manipulation of the physical, chemical, or biological characteristics of a degraded or former aquatic resource site with the goal of returning natural or historic functions.

Riparian Buffer - an upland area, surrounding a wetland or stream, measured one hundred (100) feet from the outer edge of the wetland boundary or stream bank that protects or enhances functions associated with wetlands, rivers, streams, lakes, and marine and estuarine systems from disturbances associated with adjacent land uses.

Scrub-shrub wetland – a class of wetlands dominated by woody vegetation three (3) feet to twenty (20) feet tall, including tree shrubs, young trees, and trees or shrubs that are small or stunted because of environmental conditions, but excluding woody vines.

Species of greatest conservation need - an animal species that is listed in the District's Wildlife Action Plan as a species in need of conservation through targeted management actions, based on a set of criteria that are detailed in the Wildlife Action Plan. This includes animal species whose populations are imperiled, vulnerable, or declining, or have their habitat at risk.

Stormwater management - a system to control stormwater runoff with structural and nonstructural best management practices, including:

- (a) Quantitative control of volume and rate of surface runoff; and
- (b) Qualitative control to reduce or eliminate pollutants in runoff.

Stream – a channel or conveyance of surface water with perennial, intermittent, or ephemeral flow and having defined bed and banks, whether natural or artificial.

Stream bank – the side slopes of an active channel between which the streamflow is normally confined.

Sub-watershed - a smaller unit of a watershed that contains a set of streams that all drain into a single larger-order stream.

Temporal loss - the time between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the mitigation site.

Temporary impacts – impacts to wetlands, streams, or other aquatic resources that do not cause a permanent alteration of the physical, chemical, or biological properties of the stream, wetland, or other aquatic resources, or the permanent alteration or degradation of existing wetland, stream, or aquatic resource acreage or functions.

Thalweg - The deepest part of any cross section of a river or stream.

Top-of-bank – the break in slope between a streambank and the surrounding terrain.

Tidal wetland – a wetland that is inundated by tidal waters.

Vernal pool – a seasonal depressional wetland covered by water for variable periods of time, but that may be completely dry for most of the summer and fall.

Water-dependent - requiring access to, proximity to, or location within a wetland or stream to fulfill the basic project purpose.

Watershed:

- (a) Means the land area that drains water to a particular stream, river, or lake; and
- (b) May be identified by tracing a line along the highest elevations between two areas on a map, often a ridge.

Waters of the United States – waters that are defined as waters of the United States in 33 CFR § 328.3 or 40 CFR § 120.2.

Wetland

- (a) Means an area that is inundated by tides or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and
- (b) Includes a marsh, swamp, pond, or vernal pool.

Wetland and Stream Mitigation Trust Fund program - a program involving the restoration, establishment, enhancement, or preservation of aquatic resources through funds paid to a governmental entity to satisfy mitigation requirements for the Department's permits.

Wildlife - any species of a vertebrate or invertebrate animal, excluding domestic species.

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES**NOTICE OF SECOND EMERGENCY RULEMAKING**

The Deputy Mayor for Health and Human Services, pursuant to the authority set forth in Section 1108(c-2)(5) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-2)(5) (2016 Repl.)), and in accordance with Mayor's Order 2019-116, dated November 7, 2019, hereby gives notice of the adoption, on an emergency basis, of a new Chapter 39 (Interagency Council on Homelessness Member Compensation) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Interagency Council on Homelessness (ICH) was established in 2005 to provide leadership in the development of strategies and policies to guide the implementation of the District's policies and programs for meeting the needs of individuals and families who are homeless or at risk of homelessness. In fulfilling its responsibility, the ICH hosts a number of regularly scheduled meetings each month to support implementation of the District of Columbia's two strategic plans to prevent and end homelessness – Homeward DC (focused on single adults and families) and Solid Foundations DC (focused on unaccompanied youth). These meetings are attended by ICH members, including persons who are currently or formerly homeless.

ICH members who represent public agencies and private organizations are employed by those entities and are therefore compensated for participating in ICH meetings. Members who are currently or formerly homeless, however, are appointed to the ICH to ensure the District's policy, programming, and funding decisions are informed by the perspective of people who have experienced homelessness and utilized programs and services in the District. These ICH members with lived experience are not compensated by any outside organization for participating in ICH meetings. The Department has determined that providing compensation to these members is essential to ensure the development and implementation of effective programs and strategies to help end homelessness in the District.

This chapter will set the criteria and rates of compensation for ICH members who are currently or formerly homeless who attend certain ICH meetings in an official role. This compensation shall be provided only to currently or formerly homeless members who are not otherwise compensated by either the District government or another entity or organization to attend these meetings.

Emergency rulemaking to permit compensation is critical to public health and welfare. Providing compensation to current or formerly homeless ICH members in the form of a stipend will allow them to attend and fully participate in ICH meetings in which they have an official role. A substantial portion of the work of the ICH is accomplished through these meetings. Without the robust participation of current and formerly homeless members, the ICH risks making decisions and recommendations that have unintended and potentially costly consequences, resulting in future policy course corrections, limited impact, or even harm to the people the ICH is trying to serve.

These rules were first published as emergency and proposed in the *D.C. Register* on September 18, 2020, at 67 DCR 11147. No comments were received and no changes have been made. These emergency rules were adopted on January 7, 2021, and became effective on that date. The emergency rules shall remain in effect for up to one hundred and twenty (120) days from the adoption date, expiring on May 7, 2021, unless superseded by publication of a subsequent rulemaking in the *D.C. Register*.

The Deputy Mayor also 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* and after approval by the Council of the District of Columbia, as specified in Section 1108 (b) of the CMPA (D.C. Official Code § 1-611.08(b)).

A new Chapter 39, INTERAGENCY COUNCIL ON HOMELESSNESS MEMBER COMPENSATION, of Title 29 DCMR, PUBLIC WELFARE, is added to read as follows:

CHAPTER 39 INTERAGENCY COUNCIL ON HOMELESSNESS MEMBER COMPENSATION

- 3900 ELIGIBILITY CRITERIA FOR MEMBER COMPENSATION**
- 3901 STIPEND AMOUNT AND PAYMENT**
- 3902 LIMITATIONS**
- 3999 DEFINITIONS**

3900 ELIGIBILITY CRITERIA FOR MEMBER COMPENSATION

3900.1 A member of the Interagency Council on Homelessness (ICH) appointed pursuant to § 4(b)(5) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(5)), shall, subject to Section 3902, receive compensation in the form of a stipend in the amount set forth in Subsection 3901.1, if the member:

- (a) Is appointed to and is a participating member of the ICH Consumer Engagement Work Group or ICH Youth Action Board;
- (b) Attends, in person, the substantial entirety of:
 - (1) A meeting of the full ICH;
 - (2) A meeting of the ICH Executive Committee, an ICH Standing Committee, or an ICH Working Group in which the ICH member has an official role; or
 - (3) A non-ICH event for which their attendance has been determined by the ICH to be beneficial to the work of the ICH and which they attend in an official capacity as a member of the ICH;

- (c) Has executed an agreement with the ICH setting out the terms and conditions under which the stipend will be provided;
- (d) Requests a stipend for the meeting or event from ICH; and
- (e) Is not otherwise compensated by the District government or another entity for attending the meeting or event.

3900.2 For the purposes of Subsection 3900.1(b), attending the substantial entirety of a meeting or event means arriving no later than fifteen (15) minutes after the stated start time of the meeting or event, staying during the meeting or event, and leaving no earlier than fifteen (15) minutes before the end of the meeting or event.

3901 STIPEND AMOUNT AND PAYMENT

3901.1 The amount of the stipend referred to in Subsection 3900.1 shall be fifty dollars (\$50.00) per meeting or event described in Subsection 3900.1(b).

3901.2 The stipend may be provided by an ICH gift card program or by payment through the ICH or a partner organization, if available.

3901.3 ICH members who are eligible for the stipend shall have the option to choose the form of their stipend from available options.

3902 LIMITATIONS

3902.1 The total amount of compensation to an individual member during a calendar year may be capped by the ICH based on the form of compensation available or chosen, or other criteria established by the ICH.

3902.2 The provision of stipends to eligible members is subject to the availability of funding and the availability of administrative mechanisms and resources to implement the payment of stipends.

3902.3 Nothing in this chapter shall be construed to create an entitlement (either direct or implied) on the part of any individual to compensation as authorized by this chapter.

3999 DEFINITIONS

3999.1 When used in this subchapter, the following terms and phrases shall have the meanings ascribed:

Consumer Engagement Work Group (CWEG) – an ICH Working Group that operates under the Executive Committee of the ICH whose primary responsibility is to ensure that the District’s consumers of homeless

services are involved in planning the solutions to end long-term homelessness in the District.

Gift card – a general purpose stored-value payment card, such as a pre-loaded credit card, or other similar product.

ICH Standing Committee – a standing committee of the ICH established under the bylaws of the ICH.

ICH Working Group – a work group established by an ICH Standing Committee as authorized by the bylaws of the ICH.

Youth Action Board (YAB) – an ICH Working Group that operates under the ICH Youth Committee whose primary responsibility is to ensure that the District’s transition-age youth (between 18 and 24 years of age) with current or previous lived experience of homelessness are involved in planning the solutions to end long-term youth homelessness in the District.

DISTRICT DEPARTMENT OF TRANSPORTATION**FOURTH NOTICE OF EMERGENCY RULEMAKING**

The Director of the District Department of Transportation, pursuant to the authority in Section 11e(a) of the Department of Transportation Establishment Act of 2002 (“Establishment Act”), effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-921.35(a) (2014 Repl. & 2019 Supp.)), and Mayor’s Order 2009-43, dated March 26, 2009, hereby gives notice of the adoption of emergency rules that modify Chapter 15 (DC Circulator) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

DDOT is issuing this notice of emergency rulemaking in keeping with the public health emergency extended by Mayor’s Order 2020-127, dated December 18, 2020: Extension of the Public Emergency and Public Health Emergency and Implementation of a Holiday Pause on Various Activities to Flatten the Curve of COVID-19 Cases. The rulemaking suspends fares so that passengers can enter and exit Circulator buses from the rear door, encouraging physical distancing. A previous emergency rulemaking, introduced by DDOT in keeping with the public emergency and public health emergency originally declared by Mayor’s Orders 2020-045 and 2020-046, dated March 11, 2020, promulgated similar rules, for similar purposes. That rulemaking was published in the *D.C. Register* on April 17, 2020, at 67 DCR 4402, and expired on July 16, 2020. A second emergency rulemaking, based on Mayor’s Order 2020-075 and published in the *D.C. Register* on September 11, 2020, at 67 DCR 10974, expired on September 30, 2020. A third emergency rulemaking, published in the *D.C. Register* on October 16, 2020, at 67 DCR 12057, expired on January 28, 2021. That expiration date was based on the assumption that safety precautions enabling the resumption of fare collection would be installed by the beginning of 2021. However, those precautions are not yet installed, and Mayor’s Order 2020-127, by extending the public health emergency established in Mayor’s Order 2020-45 and reaffirmed in Mayor’s Order 2020-75, indicates that physical distancing of riders and drivers on public transportation vehicles is still necessary as more people are now moving around the District and physical distancing is still an important component to reducing the spread of COVID-19.

The emergency rulemaking is necessitated by an immediate need to preserve the public safety and welfare with safe access to Circulator buses for residents and visitors to use in the District. Allowing residents and visitors to enter and exit the Circulator buses from the rear door (unless the wheelchair-accessible front door is needed) will encourage social distancing, allowing them to practice safe distancing (especially from the driver) as advised by the Centers for Disease Control and Prevention.

This emergency rule was adopted on January 29, 2021, and became effective immediately. This emergency rule will remain in effect until May 28, 2021, one hundred twenty (120) days from the date it was adopted, or the expiration of Mayor’s Order 2020-045, dated March 11, 2020, and any substantially similar successor Mayor’s Order, whichever comes first.

Chapter 15, DC CIRCULATOR, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended by adding a new Section 1504 to read as follows:

1504 TEMPORARY FEE SUSPENSION

1504.1 Notwithstanding Sections 1502 and 1503 of this chapter, the Circulator shall be free of charge for all riders. It will remain free of charge for the duration of the public health emergency declared by Mayor’s Order 2020-045, dated March 11, 2020, as extended by any successor Mayor’s Order.

CARLOS ROSARIO INTERNATIONAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Cloud-based Unified Communications**

Carlos Rosario is looking for a cost proposal to provide a cloud-based Unified Communications as a Service solution that will accommodate a new hybrid and remote learning environment. Flexibility, and the ability to have phones that will “move with people” is a critical factor in selecting the new phone system. Depending on the day, some teachers are at school conducting distance learning classes, while others are working from home. The new system needs to be extremely flexible and have the ability to route calls based on customized call handling requirements by the user. The users need to be able to work with the phone system on IP phones, Softphones, Mobile apps, and any smart device of their choosing. Proposals will be due by COB March 1, 2021. Contact Karen Clay at kclay@carlosrosario.org for more information.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

**Notice Regarding Commencement of New Code Development Cycle for
District of Columbia Construction Codes and
Procedures for Submission of Code Change Proposals**

The Construction Codes Coordinating Board (CCCB) is commencing a new code development cycle, and will be reviewing the 2021 International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Fire Code, International Energy Conservation Code, International Existing Building Code and International Swimming Pool and Spa Code published by the International Code Council (2021 ICC Codes), the 2020 National Electrical Code published by the National Fire Protection Association (2020 NEC), and ASHRAE Standard 90.1-2019 -- Energy Standard for Buildings Except Low-Rise Residential Buildings, for adoption by the District of Columbia in 2023.

Any person or group may submit a code change proposal to the CCCB proposing to amend, add or change specific provisions of the 2021 ICC Codes, the 2020 NEC, or ASHRAE 90.1-2019. Code change proposals should be completed using the code change proposal form available at <https://eservices.dcr.dcgov/DocumentManagementSystem/Home/retrieve?id=2021%20ICC%20CCCB%202023%20Code%20Change%20Form.pdf>

Code change proposal forms should be submitted by email to:

Danielle Gurkin, Chairperson
Construction Codes Coordinating Board
cccbchair.dcr@dcr.gov

Code change proposals related to the 2021 ICC Codes, the 2020 NEC, or ASHRAE 90.1-2019 must be submitted to the CCCB Chairperson no later than 5 p.m. on March 29, 2021.

Additional information regarding submission of code change proposals and an explanation of the code change approval process can be found on the DCRA website at <https://dcr.dcgov/node/514112>

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

Address:	Square:	Lot:
37 Q Street, NW	0614	0060

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2019 2nd Half & FY2020**, for the following reasons:

You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.

(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2. Please visit mytax.dc.gov to inquire about refunds, updated tax bills or payment.

DCRA reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained.

If you have questions regarding this decision please contact Theresa Hollins, Program Support Specialist at (202) 805-8344.

Sincerely,

Donald Sullivan
Program Manager, Vacant Building Enforcement

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

RE:

Address:	Square:	Lot:
1000 Independence Avenue, SE	0968	0802

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2021**, for the following reasons:

You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.

(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2. Please visit mytax.dc.gov to inquire about refunds, updated tax bills or payment.

DCRA reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained.

If you have questions regarding this decision please contact Theresa Hollins, Program Support Specialist at (202) 805-8344.

Sincerely,

Donald Sullivan
Program Manager, Vacant Building Enforcement

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**

**ANNOUNCES FEBRUARY 18, 2021 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 18, 2021
Phone Conference
Conference Line (866) 836-4385
Passcode: 5280417**

For additional information, please contact:

Darryl Brantley, Financial Program Specialist
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) 258-3541
Darryl.Brantley@dc.gov

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the February 18, 2021, committee meeting
- III. Approval of minutes from January 21, 2021, committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. Lee Montessori Public Charter School – New Request for a Direct Loan
- VI. Global Citizens Public Charter School – New Request for a Direct Loan

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.

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, 5th Floor, Washington, DC, intends to issue air quality permit (No. 6600-R2) to the Architect of the Capitol, Senate Office Buildings Jurisdiction to operate one (1) non-automotive paint spray booth at the U.S. Government Publishing Office, located at 732 North Capitol Street NW, Washington, DC. The contact person for the applicant is James Styers, PE, Environmental Engineer, at (202) 302-2017.

The proposed overall emission limits for the equipment are as follows:

- a. No person shall discharge into the atmosphere more than fifteen (15) pounds of volatile organic compound (VOC) emissions in any one (1) day, nor more than three pounds (3 lb.) in any one (1) hour, from any combination of articles, machines, units, equipment, or other contrivances at a facility, unless the uncontrolled VOC emissions are reduced by at least ninety percent (90%) overall capture and control efficiency. [20 DCMR 700.2]
- 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]
- c. Visible emissions shall not be emitted into the outdoor atmosphere from the paint spray booths. [20 DCMR 107 and 606]

Maximum potential emissions from the units are expected to be as follows:

Pollutant	Estimated Maximum Annual Emissions (tons/yr)
Volatile Organic Compounds (VOC)	4.25
Total Hazardous Air Pollutants (HAP)	0.02

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 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 permit.

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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after March 15, 2021 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

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

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007 hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. **The meeting will be held virtually on Thursday, March 4, 2021, at 2:30 PM** during a webinar.

Please note in order to attend the meeting, **you will have to register at the website:** https://magellanhealth.zoom.us/webinar/register/WN_YofqGN8oQcONlb9St0HyWg. Once you have registered you will receive an email with instructions on how to attend the webinar.

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

Androgenic Agents	Hypoglycemics, Incretin Mimetics/Enhancers
Antibiotics, Vaginal	Hypoglycemics, Insulins
Antiemetics/Antivertigo Agents	Hypoglycemics, Meglitinides
Antihyperuricemics	Hypoglycemics, Metformins
Bladder Relaxants	Hypoglycemics, SGLT2 Inhibitors
Bone Resorption and Suppression Agents	Hypoglycemics, Thiazolidinediones
BPH Agents	Pancreatic Enzymes
Colony Stimulating Factors	Phosphate Binders
Erythropoiesis Stimulating Agents	Progestins For Cachexia
GI Motility, Chronic, Irritable Bowel	Proton Pump Inhibitors
Growth Hormone	Sickle Cell Disease Agents
H. Pylori Agents	Ulcerative Colitis Agents
Histamine-2-Receptor Antagonists	Vaginal Estrogen Preparations
Hyperparathyroidism Agents	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Thursday, February 25, 2021**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

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

A person wishing to provide written information should supply a copy of the written information to the P&T Committee **no later than 4:45 PM on February 25, 2021. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of “bulleted” points (or one page front and back).** The ready-to-disseminate, written information can also be emailed to arrive **no later than February 25, 2021** to Charlene Fairfax (charlene.fairfax@dc.gov)

MERIDIAN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Meridian Public Charter School is soliciting proposals from qualified vendors for the following:

Meridian PCS seeks to purchase a minimum of 200 Chromebooks each with a license for Google Chrome Management Console, Education Edition and to be eligible for discounted pricing for future technology purchases. Chromebooks specifications should include the following (or similar):

- HP, Lenovo or Acer Chromebook | 11MK G9 EE
 - CPU: HP Chromebook 11MK G9 EE | 11.6" HD Anti-glare Display (1366x768) | MediaTek MT8183C, Eight Core, 2.0 GHz | 4GB LPDDR4x-4266 RAM | 32GB eMMC SSD | Chrome OS | Wifi + BT

Please return your bid proposal by February 26th, 2021 at 3:00pm. All proposals must be sent electronically to: Michael Russell via osupport@meridian-dc.org.

ROCKETSHIP DC PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE-SOURCE CONTRACT****HVAC Preventative Maintenance**

Rocketship DC Public Charter School (“Rocketship DC”) intends to enter into a sole source contract with Fidelity Mechanical Services at the Rocketship Legacy Prep (RLP) campus, and W.G.Tomko Inc (RIC) at the Rocketship Infinity Community Prep campus for the 2020-2021 school year.

The decision to conduct a sole source agreement is due to Fidelity Mechanical Services and W.G.Tomko Inc’s knowledge of our HVAC system and facility; these companies designed and installed each campus's HVAC system. In working directly with the installers, Rocketship will have direct access to utilize the equipments’ warranties, if there is ever a need. These companies also have the specific expertise needed to maintain the HVAC systems at their respective campus; both the hardware and the software. We base this decision on facilities management, expertise and service.

The cost of the contracts are \$44,975 (Fidelity Mechanical Services at RLP) and \$36,398.20 (W.G.Tomko Inc at RIC). The sole source contracts will be awarded on February 22, 2021 by 5:00pm. If you have any questions, please contact Larisa Yarmolovich (National Director of Operations) before Thursday, February 18, 2021 by 5:00pm using the information below:

Larisa Yarmolovich
lyarmolovich@rsed.org

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

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 15, 2021.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 12, 2021. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2021
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Abdus-Salaam	Kena D.	Traditions General Contracting, LLC 1322 L Street, SE	20003
Arurkar	Tejas	Build DMV, LLC 1218 Trenton Place, SE	20032
Axelrod	Isla Lee	Pace Construction, LLC 1140 Third Street, NE, #2028	20002
Batchelor	Thomas Craig	Wright & Batchelor, LLP 1601 18th Street, NW, Suite 2	20009
Beatty	Brenda D.	Goodwin Proctor LLP 1900 N Street, NW	20036
Blount	Anthony Da'von	Self 1931 18th Street, SE, #2	20020
Bolden	Fern R.	Self 6101 16th Street, NW, #209	20011
Bowens	Alesha T.	Self (Dual) 930 M Street, NW, #705	20001
Brown	Angela	Self 1317 1st Street, SW	20024
Burgess	Maria J.	Foley & Lardner LLP 3000 K Street, NW, 6th Floor	20007
Carter	Toya	Blumenthal, Cordone & Erklauer, PLLC 7325 Georgia Avenue, NW	20012
Cleveland	Sandra C.	Self 427 Oglethorpe Street, NW	20011
Contreras-Frazier	Imelda Yesenia	Carliner and Remes, PC 1150 Connecticut Avenue, NW, #610	20036
Cox	Sholem Ainsley	Self (Dual) 2036 Douglas Street, NE	20018

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Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2021
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Crawford	Avril	Self 5415 Connecticut Avenue, NW, #830	20015
Cruz	Arlin	Dupont Title Group 1050 Connecticut Avenue, NW, Suite 500	20036
Dean	Penny M.	U.S. Office of the Clerk - Office of Official Reporters, Basement Level, SE B-86 Cannon House Office Building, Basement Level, SE	20515
Demarest	Jean C.	Penzance Management LLC. 1680 Wisconsin Avenue, NW, #300	20007
Demirci	Guney	District Growth 1200 Potomac Avenue, SE	20003
Duvall	Danyelle	Self (Dual) 1701 Montana Avenue, NE	20018
Elliott	Triston	Self 1123 Trinidad Avenue, NE	20002
Fernandez	Ramona Michelle	Self 256 56 Street, NE	20019
Foster	Contina M.	Self 400 Galloway Street, NE, #443N	20011
Gonzalez Beristain	Naya	Self (Dual) 1919 14th Street, NW, #308	20009
Green	Alicia L.	LP Title, LLC 4725 Wisconsin Avenue, NW, #250	20016
Green	Theodus James	Planet Depos 1100 Connecticut Avenue, NW, #950	20036
Griffin	Charles	Ivins, Phillips & Barker 1717 K Street, NW, #600	20006

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Guerrero Gonzalez	Miguel A.	Bank of America 3100 14th Street, NW, #101	20010
Hammer	Kendra L.	Anderson Court Reporting 1717 K Street, NW	20006
Hart	Alexis	Self 3625 South Dakota Avenue, NE	20018
Hayman	Vincent Michael	Self 3420 Eads Street, NE	20019
Heishman	Cora	Same Day Process Service 1413 K Street, NW, #7th Floor	20005
Holly	Charlene	Self 5026 7th Street, NW	20011
Hunt	Carmen D.	M Squared Management 1407 T Street, NW, #200	20009
Jackson	Pauline	Self 3500 B Street, SE, #203	20019
Johnson	Bonnie R.	Center on Budget and Policy Priorities 1275 1st Street, NE, #1200	20002
Kania	Anne Ellyse	Georgetown Day School 4200 Davenport Street, NW	20016
Lalla	Pamela	Catholic University 620 Michigan Avenue, NE	20064
Langley	Deborah P.	Foley Hoag , LLP 1717 K Street, NW, Suite 1200	20006
Lee, Jr.	James Newman	Self 2657 Birney Place, SE, #301	20020
Little	Lisa Renee	Kobre & Kim, LLP 1919 M Street, NW, #410	20036

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Lorete	Joseph Anthony	Planet Depos 1100 Connecticut Avenue, NW, #950	20036
Maabaka Simmons	Siatara	Self 1410 1/2 4th Street, SW	20024
Martin	Marina Lorella	Self (Dual) 149 D Street, SE	20003
Martin	Michelle D.	Self 1847 24th Street, NE, #T2	20002
McGhee	Tamika Latrice	Center for Responsible Lending 910 17th Street, NW, Suite 800	20006
Mehari	Menberit	Self 1809 N Capitol Street, NE, #B	20002
Milligan	Gina Y.	Self 7226 15th Place, NW	20012
O'Brien	Mary	McGillivary Steele Elkin, LLP 1101 Vermont Avenue, NW, Suite1000	20005
Owens	Deborah A.	JLL 2020 K Street, NW, Suite 1100	20006
Pearson	Daneka	Self 3324 6th Street, SE, #102	20032
Peeks	Marsha Lenora	Catholic Charities 1001 Lawrence Street, NE	20017
Perkins	Dominique R.	Self 507 Oneida Street, NE	20011
Poitier	Tomica Senee	PNC Bank 7601 Georgia Avenue, NW	20012

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Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2021
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Powe	Sharon	Barnes & Thornburg, LLP 1717 Pennsylvania Avenue, NW, Suite 500	20006
Quander	Charlene	Self 3621 Suitland Road, SE	20020
Richards	Jennifer	Allied Title & Escrow, LLC 1100 Vermont Avenue, NW, #500	20005
Richardson	Donna Marie	Self 120 Irvington Street, SW, #102	20032
Robinson	Arvaye Janel	DISTRO HUB 810 Chesapeake Street, SE, #101	20032
Robinson	Jeneva	United States Senate Federal Credit Union 120 Constitution Avenue, NE, #110	20002
Robinson	Wanda	Self 2412 Ainger Place, SE, #324	20020
Ross	LaTasha	Platinum Inkwell 2634 Tunlaw Road, NW, #302	20007
Rubio	Vanessa	Self (Dual) 5749 13th Street, NW	20011
Salmeron	Karen Virginia	ORBIS REALTY 1050 30th Street, NW	20007
Samarajeewa	Surini Anjalika	Codice 1101 Vermont Street, NW, Suite 400	20005
Sessoms	Anthony	Bright Beginnings Incorporated 3418 4th Street, SE	20032
Sheffield	Dennis LaGrant	Sheffield Group Financial Service, LLC 611 Pennsylvania Avenue, SE, #489	20003
St.Hilaire	Cheryl	Self 5424 7th Street, NW	20011

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Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2021
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Stagner	Katherine Alyssa	National Veterans Legal Service Program 1600 K Street, NW, #500	20006
Stockdale	Margaret M.	Allied Title and Escrow 1100 Vermont Avenue, NW, Suite 500	20005
Thomas	Emily	Paul, Weiss, Rifkind, Wharton & Garrison LLP 2001 K Street, NW	20006
Vaglica	Kathleen M.	Alderson Court Reporting 1111 14th Street, NW, #1050	20005
Villalba	Nancy E.	Self (Dual) 1917 Capitol Avenue, NE, #201	20002
Villalba	Ricardo O,	Self (Dual) 1917 Capitol Avenue, NE, #201	20002
Wehr	Deborah K.	For the Record, Inc. 1200 G Street, NW, Suite 800	20005
Wilcox	Mona	KVS Title 230 6th Street, NE	20002

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2021

FY21 Reentry Services
Request for Applications

The Office of Victim Services and Justice Grants (OVSJG) announces the availability of FY 2021 grant funds for community-based organizations and District of Columbia agencies providing systems of care for individuals incarcerated or returning from correctional facilities to ensure they are connected to the supports and resources needed for successful reintegration into their home communities.

Eligible Organizations/Entities: Any public or private, community-based non-profit agency, organization, or institution located in the District of Columbia is eligible to apply. For-profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies.

Length of Award: The grant award is for Fiscal Year 2021. The funding period is April 1, 2021 to September 30, 2021.

Application Submission Deadline: Sunday, March 21, 2021.

The Request for Applications (RFA) will be available electronically beginning Monday, February 15, 2021 at <http://ovsjg.dc.gov>. All applications must be submitted to OVSJG's online grants management portal, [ZoomGrants](#)TM.

For additional information regarding this grant competition, please email ovsjg@dc.gov with the subject line reference "FY21 Reentry Services RFA."

WASHINGTON YU YING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Onsite Covid-19 Testing**

Onsite Covid-19 Testing: Washington Yu Ying PCS is seeking competitive bids from a laboratory, licensed by the state/Federal government to perform onsite, weekly collection and testing for the detection of SARS-CoV-2 virus - for both students and staff members. The total number of tests per week will likely range from about 80 to 250.

The vendor will ensure the following:

- Specimen collection service following social distancing guidelines, PPE, hand sanitizers, tissues, etc.
- Courier service of specimens to the laboratory
- Secure reporting of results to Washington Yu Ying's leadership
- A turnaround time of 24-48 hours for results

The vendor will provide all labor and materials. Bids must include evidence of experience in field, qualifications, and estimated fees.

Please provide estimates per test / individual based upon the weekly estimates stated above.

Deadline for submissions is close of business on February 24, 2021. Please e-mail proposals and supporting documents to RFP@washingtoneying.org. Please specify "RFP for Covid-19 Testing" in the subject line.

WASHINGTON YU YING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Portable Classrooms**

Portable Classrooms: Washington Yu Ying PCS is seeking competitive bids from qualified vendors for the rental of two modular portable classrooms. The portable classrooms should be 25 feet wide by 25 feet long, include electrical outlets, heating/cooling system, windows, and meet all building code requirements.

The vendor will provide all labor and materials. Bids must include evidence of experience in field, qualifications, and estimated fees.

Deadline for submissions is close of business on February 24, 2021. Please e-mail proposals and supporting documents to RFP@washingtoneying.org. Please specify “RFP for Portable Classrooms” in the subject line.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Tuesday, February 23, 2021 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dewater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|----|---|--------------------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | January 2021 Financial Report | Director, Budget |
| 3. | Action Items | CFO and EVP, Finance and Procurement |
| 4. | Agenda for March 2021 Committee Meeting | Committee Chairperson |
| 5. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Joint DC Retail Water and Sewer Rates Committee and Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority’s DC Retail Water and Sewer Rates and Finance and Budget Committees’ will be holding a meeting on Tuesday, February 23, 2021 at 10:15 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water’s website at www.dewater.com. Due to COVID-19, the CEO/General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|----|-------------------------|--------------------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | FY 2022 Proposed Budget | CFO and EVP, Finance and Procurement |
| 3. | Executive Session | CFO and EVP, Finance and Procurement |
| 4. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, February 23, 2021 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water’s website at www.dewater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dewater.com.

DRAFT AGENDA

- | | | |
|----|---------------------|--|
| 1. | Call to Order | Committee Chairperson |
| 2. | Monthly Updates | Executive VP,
Finance & Procurement |
| 3. | Committee Work Plan | Executive VP,
Finance & Procurement |
| 4. | Other Business | Executive VP,
Finance & Procurement |
| 5. | Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19847-A of Elton Investment, LLC, pursuant to 11 DCMR Subtitle Y § 705.1 for a one year time extension of BZA Order No. 19847 approving a special exception under Subtitles E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third-story and rear addition to a principal dwelling unit and convert the dwelling into a flat in the RF-1 zone at premises 329 16th Street, S.E. (Square 1074, Lot 80).

HEARING DATES (19847):	November 7, 2018 and December 12, 2018
DECISION DATE (19847):	December 12, 2018
ORDER ISSUANCE DATE (19847):	December 14, 2018
TIME EXTENSION DECISION DATE:	January 27, 2021

SUMMARY ORDER ON REQUEST FOR ONE-YEAR TIME EXTENSION

Original Application. In Application No. 19847, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Elton Investment Group (the “Applicant”) for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4. The Board issued Order No. 19847 on December 14, 2018. (Exhibit 3.) Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became effective.

Request for One-Year Time Extension. On November 16, 2020, the Applicant submitted a request that the Board grant a one-year extension of Order No. 19847. (Exhibits 1-9, 11-13.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 6B.

Notice of the Request. Pursuant to Subtitle Y §§ 705.1(a), the Applicant did not provide proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 13.) The Applicant submitted a motion requesting the Board waive the notice requirement of Subtitle Y § 705.1(a), however, the Board determined this waiver was no longer needed due the ANC submitting a letter stating they were aware of the time extension application but chose not to put the case on their meeting agenda. (Exhibit 15.)

ANC Report. The ANC did not submit a report for this application. A letter was submitted by the ANC Chair of the Planning and Zoning Committee stating that the ANC decided to not add the application to their meeting agenda for a formal vote, given that they had observed no

maintenance issues on the property and the ANC's previous support for the original special exception request. (Exhibit 15.)

OP Report. Office of Planning submitted a report recommending approval of the time extension. (Exhibit 10.)

DDOT Report. The District Department of Transportation did not submit a report for this application.

Request to Extend the Validity of the Order

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that request for one-year time extension to the validity of the Board's approval in Order No. 19847A is hereby **GRANTED**, and the Order shall be valid until **December 24, 2021**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood, to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

**BZA APPLICATION NO. 19847A
PAGE NO. 2**

FINAL DATE OF ORDER: February 2, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 19847A
PAGE NO. 3**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19905-A of Nariman Dash and Haleh Rajae, pursuant to 11 DCMR Subtitle Y § 705.1, for a two-year time extension of BZA Order No. 19905 for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1, to construct a rear deck and bay window addition to an existing semi-detached principal dwelling unit in the RA-8 Zone at premises 1410 15th Street, N.W. (Square 195, Lot 107).

HEARING DATES (19905):	February 6, 2019
DECISION DATES (19905):	February 6, 2019
ORDER ISSUANCE DATE (19905):	February 8, 2019
TIME EXTENSION DECISION DATE:	January 27, 2021

SUMMARY ORDER ON REQUEST FOR TWO-YEAR TIME EXTENSION

Original Application. In Application No. 19905, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Herb Hribar, the prior owner of the property, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1. Board issued Order No. 19905 on February 8, 2019. (Exhibit 3.) Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became effective.

Request for Two-Year Time Extension. On November 2, 2020, Nariman Dash and Haleh Rajae, the current owners of the property (the “Applicant”), submitted a request that the Board grant a two-year extension of Order No. 19905. (Exhibits 1-6B.)

Notice of the Request. Pursuant to Subtitle Y §§ 705.1(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 5.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 2B.

ANC Report. The ANC did not submit a report for this application.

OP Report. Office of Planning submitted a report recommending approval of the time extension. (Exhibit 7.)

DDOT Report. The District Department of Transportation did not submit a report for this application.

Request to Extend the Validity of the Order

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that request for two-year time extension to the validity of the Board's approval in Order No. 19905 is hereby **GRANTED**, and the Order shall be valid until **February 18, 2023**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood, to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 2, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 19905A
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20282 of Spectrum Builders Group LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential conversion requirements Subtitle U § 320.2, under Subtitle E § 206.4 from the architectural rooftop elements requirement of Subtitle E § 206.1, and under Subtitle E § 5201 from the side yard requirements of Subtitle E § 207.3, to convert an existing semi-detached principal dwelling unit into a three-unit apartment house in the RF-1 zone at premises 1638 Trinidad Avenue, N.E. (Square 4055, Lot 53).

HEARING DATES: December 16, 2020 and January 27, 2021¹
DECISION DATE: January 27, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 45 (Revised); Exhibit 4 (Original)².)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 8, 2020, at which a quorum was present, the ANC voted to support the relief for the residential conversion and rooftop architectural element but to oppose the relief from the side yard requirements. (Exhibits 49, 49A.) The ANC Report expressed the concern that granting the side yard relief, as initially proposed, would unduly impact the light, air, privacy, and enjoyment of the neighboring property owner. Based on the Applicant's revised plans and an agreement reached with the neighboring property owner, the ANC made a second submission in

¹ The public hearing was originally scheduled for October 7, 2020 and was postponed to October 28, 2020 and December 16, 2020 at the request of the Applicant and the ANC.

² The application was revised to include relief from the roof top architectural elements requirements, and the caption has been revised to update the citations of the relief, based on a recent Zoning Commission text amendment for the regulations governing roof top additions.

which it withdrew its opposition to the side yard relief.³ The second ANC submission detailed the following conditions:

1. Adjoining homeowner, Mr. Antonio Jones, his heirs, designees, or future owners of Square/Lot 4055 0052 should retain the right to fully develop up to the shared property line at 1638 Trinidad Avenue, N.E.
2. Move all HVAC mechanicals to roof to mitigate sound and improve rear yard for future neighbors at 1638 Trinidad Avenue, N.E.
3. Eliminate windows nearest area where adjacent neighbor currently works on vehicles; and
4. Install a 6-foot privacy fence along the property line to enhance privacy for adjoining neighbor and future neighbors who at 1638 Trinidad Avenue, N.E.

The Board notes that the Applicant has agreed to the conditions. Accordingly, the Board finds that the issues and concerns initially raised by the ANC in its report have been adequately addressed.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 11.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 10.)

Persons in Support. The Board received a letter from the adjacent neighbor at 1644 Trinidad Avenue, N.E. expressing support and withdrawing prior opposition to the case. (Exhibit 53A; Exhibits 32 and 48 (Letters in opposition).) The adjacent neighbor also testified in opposition to the application at the December 16, 2020, public hearing, prior to withdrawing his objection.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the residential conversion requirements Subtitle U § 320.2, under Subtitle E § 206.4 from the architectural rooftop elements requirement of Subtitle E § 206.1, and under Subtitle E § 5201 from the side yard requirements of Subtitle E § 207.3, to convert an existing semi-detached principal dwelling unit into a three-unit apartment house in the RF-1 zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general

³ The ANC's second submission did not meet the requirements of Subtitle Y § 406.2 to receive "great weight," but the Board nonetheless accepted the submission as evidence of the ANC's support of the application and of the agreement between the Applicant and the adjoining neighbor.

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 Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**⁴ at **EXHIBIT 40**⁵.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 4, 2021

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.

⁴ Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

⁵ The Applicant testified during the public hearing that the height of the building would be 35 feet, despite conflicts in the plans. The Applicant also stated that screening for HVAC equipment would be provided, despite not being shown in plans.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20355 of T-Mobile Northeast LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C §§ 1304.2 and 1312 from the roof mounted antenna setback and height requirements of Subtitle C §§ 1304.1(a)-(b), to modify an existing rooftop antenna in the PDR-1 Zone at premises 2633 Barry Road SE (Square 5864, Lot 807).

HEARING DATE: January 27, 2021

DECISION DATE: January 27, 2021

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 31 (Revised); Exhibit 4 (Original).)¹

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8C.

ANC Report. ANC 8C did not file a report for this application.

OP Report. The Office of Planning submitted a report, dated January 14, 2021, recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted a report, dated January 14, 2021, indicating that it had no objection to the application. (Exhibit 32.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C §§ 1304.2 and 1312 from the roof mounted antenna setback and height requirements of Subtitle C §§ 1304.1(a)-(b), to modify an existing rooftop antenna in the PDR-1 Zone.

¹The Application was amended to add special exception relief from the antenna setback and height element requirements.

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 28.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 1, 2021

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

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THERE TO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20363 of Peter and Karen Byrne, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential use provisions of Subtitle U § 601.1(f), from the alley lot use requirements of Subtitle U § 600.1(f), and under Subtitle E § 5201.3, from the side yard requirements Subtitle E § 5100.1(e), and from the alley centerline setback requirements of E § 5100.1(d), to convert an existing residential parking garage to a two-story, attached, principal dwelling unit in the RF-1 zone at premises 514 Archibald Walk SE (Square 877, Lot 845).

HEARING DATE: January 27, 2021

DECISION DATE: January 27, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 36 (Revised); Exhibit 4 (Original)¹.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 12, 2021, at which a quorum was present, the ANC voted to support the application. (Exhibit 41.) The ANC Report raised no issues or concerns.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 38.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 37.)

¹ The application was amended to reflect alley centerline setbacks and to provide updated citations due to a recent text amendment.

Other Agency Responses. Metropolitan Police Department submitted a response indicating that it had no objection to the application. (Exhibit 33B.) DC Fire and Emergency Medical Services Department submitted a report indicating that it had no objection, provided that an approved automatic sprinkler system is installed in the building. (Exhibit 34.) The Applicant confirmed that it will comply with this request and provided plans showing sprinkler locations. (Exhibit 47A.) DC Water provided feedback in the form of a map showing existing water service in the alley and raised no objections. (Exhibit 33A.) The Department of Public Works did not submit a response but was notified of the application by DC Office of Zoning and the Applicant.

Persons in Support. The Board received three letters in support from neighbors, including two adjoining neighbors. (Exhibit 14-16.) The Board also received a letter in support from Capitol Hill Restoration Society. (Exhibit 44.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the residential use provisions of Subtitle U § 601.1(f), from the alley lot use requirements of Subtitle U § 600.1(f),² and under Subtitle E § 5201.3, from the side yard requirements Subtitle E § 5100.1(e), and from the alley centerline setback requirements of E § 5100.1(d), to convert an existing residential parking garage to a two-story, attached, principal dwelling unit in the RF-1 zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**³ at **EXHIBIT 35**.

² The subject property is an Alley Tax Lot. To demonstrate compliance with the criteria of this Subtitle U § 600.1(f), the Applicant provided evidence to the record of its Subdivision Application (Exhibit 40A) and represented it would convert the lot to an Alley Record Lot to comply with the requirements of Subtitle U § 601.1(f)(2).

³ 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.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 2, 2021

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.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20365 of Kari McCarron and Jesse Leifert, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone, at premises 903 11th Street, N.E. (Square 980, Lot 24).

HEARING DATE: January 27, 2021

DECISION DATE: January 27, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 9, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 34.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 30.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 31.)

Persons in Support. Three letters were submitted by neighbors in support of the application. (Exhibits 25, 26, and 27.) The Capitol Hill Restoration Society Zoning Committee also filed a letter in support of the application. (Exhibit 33.)

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 28 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 2, 2021

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

¹ In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20366 of Colleen A. Slattery, Trustee, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to expand two existing rear balconies, on the second and third stories of an existing flat, in the RF-1 zone, at premises 2026 North Capitol Street, N.W. (Square 3117, Lot 78).

HEARING DATE: January 27, 2021

DECISION DATE: January 27, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. ANC 5E's report indicated that at a regularly scheduled, properly noticed public meeting on January 19, 2021, at which a quorum was present, the ANC voted to support the application. (Exhibits 38 and 38A.) The ANC noted that the Bloomingdale Civic Association ("BCA") had "reluctantly" recommended approval of the application and indicated that its support in this case is not intended to set a precedent for future BZA cases in Bloomingdale. The ANC Report also noted that the BCA had expressed "strong opposition" to the developer's conduct in violating the conditions of the original BZA approval. The Board considered the issues raised by the BCA, as cited in the ANC Report, but ultimately agreed with the ANC that the issues raised did not provide a basis for denial of the application.

OP Report. The Office of Planning submitted a report, dated January 15, 2021, recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted a report, dated January 14, 2021, indicating that it had no objection to the application. (Exhibit 34.)

Persons in Support. The Board received eight letters from neighbors in support of the application. (Exhibits 12, 15A, 15B, and 28-32.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2 for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to expand two existing rear balconies, on the second and third stories of an existing flat, in the RF-1 zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED and, pursuant to Subtitle Y § 604.10, subject to the APPROVED PLANS¹ at EXHIBIT 6.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 1, 2021

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

¹Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20370 of 1337 Taylor Street LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert the existing principal dwelling unit into a three-unit apartment house in the RF-1 Zone, at premises 1337 Taylor Street, N.W. (Square 2822, Lot 18).

HEARING DATE: December 23, 2020

DECISION DATE: January 27, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 20 (Final Revised); Exhibit 17 (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") 4C.

ANC Report. The ANC stated that at a regularly scheduled, properly noticed public meeting on January 13, 2021, at which a quorum was present, the ANC voted to support the application with conditions. (Exhibit 46 – Revised ANC Report.)¹ The ANC's proposed conditions related to financial contributions to charitable organizations; compensation to the adjoining neighbor for impact on their solar panels; contact information for the Applicant's project manager; location of dumpsters, notice to neighbors of electrical or water shut offs; pest abatement prior to demolition; the provision of exterior lighting; maximizing off street parking options; use of materials to help with water runoff and flooding; and testing for, and addressing, any problems with lead. The ANC noted that the Applicant agreed with the conditions. The Board did not adopt the proposed conditions as part of the order, as they are beyond the scope of the Board's jurisdiction.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 37.)

¹ The original ANC report, dated December 9, 2020, indicated that the ANC voted to deny the application because the Applicant had not agreed with the conditions proposed by the ANC. (Exhibit 39.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 38.)

Persons in Support. One letter was submitted in support of the application. (Exhibit 42)

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert the existing principal dwelling unit into a three-unit apartment house in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS, AS REVISED BY EXHIBIT 33 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrisaun S. Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant).

FINAL DATE OF ORDER: February 2, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

² In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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