

***District of Columbia***

**REGISTER**

**HIGHLIGHTS**

- D.C. Council enacts Act 24-317 to require credit reporting companies to accept and include in a consumer's credit report a personal statement from the consumer documenting financial hardship resulting from a public health emergency
- D.C. Council enacts Act 24-318 to provide paid leave for a District government employee who suffers the death of a minor child
- D.C. Council enacts Act 24-322 to require notification of positive COVID-19 cases within 24 hours to families with a student in an affected classroom
- D.C. Council schedules a public hearing to discuss the expansion of law enforcement career opportunities for District residents (Bill 24-515)
- D.C. Council schedules a public oversight roundtable to discuss the Implementation of Law 23-269, the Department of Buildings Establishment Act of 2020
- D.C. Board of Elections establishes electronic circulation of petitions
- Department of Employment Services implements pre-natal leave benefits and expands benefits for existing leave types
- Department of Energy and Environment announces of availability of funding for Clean Energy D.C. Plan 2.0
- Office of the Mayor for Planning and Economic Development announces availability of the FY2022 Locally Made Manufacturing Grant (LMM) and the FY2022 Neighborhood Prosperity Fund
- D.C. Workforce Investment Council announces availability of the FY2022 Career Coach D.C. (CCDC) Grant and the FY2022 Employer Partnership Training Grant

# DISTRICT OF COLUMBIA REGISTER

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The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 2-611 *et seq.* (2016 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at [dcregs.dc.gov](http://dcregs.dc.gov). Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2016 Repl.).

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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VICTOR L. REID, ESQ.  
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 24-316**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 3, 2022**

To amend, on an emergency basis, the Advisory Neighborhood Commissions Act of 1975 to extend pandemic related provisions related to Advisory Neighborhood Commissions, including pandemic election procedures to fill vacancies on Advisory Neighborhood Commissions, authorization for Advisory Neighborhood Commissions to meet remotely, and authorization for Advisory Neighborhood Commissions to approve grants for the purpose of providing humanitarian relief during the public emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Advisory Neighborhood Commissions Pandemic Provisions Extension Emergency Amendment Act of 2022".

Sec. 2. The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended by adding new paragraphs (3), (4), and (5) to read as follows:

"(3) Petition sheets circulated in support of a candidate shall be filed with the Board in hard copy but may be electronically provided by the:

"(A) Board to the candidate;

"(B) Candidate to qualified petition circulators; or

"(C) Qualified petition circulator to the candidate.

"(4) Signatures on a petition sheet shall not be invalidated because the signer was also the circulator of the same petition on which the signature appears.

"(5) If the election is for a member of an Advisory Neighborhood Commission representing the single-member district containing the Central Detention Facility and Correctional Treatment Facility:

"(A) The Board shall develop, and the Department of Corrections shall distribute, lay-friendly educational materials for individuals in the Department of Corrections' care and custody about how to register to vote, residency requirements to run for Advisory Neighborhood Commissioner, how to vote, and the functions of an Advisory Neighborhood Commission; and



## ENROLLED ORIGINAL

“(B) The Department of Corrections shall facilitate the transmission of the petition sheets to any candidates who are in the care and custody of the Department of Corrections and from the candidates to the Board, as well as the petition circulation among the qualified registered electors in its care and custody.”.

(b) Section 8(d)(6)(E) (D.C. Official Code § 1-309.06(d)(6)(E)) is amended to read as follows:

“(E)(i) If the Board transmits a list of qualified candidates containing more than one name, the affected Advisory Neighborhood Commission shall give notice at a public meeting of a time and location, to be determined in consultation with the OANC, at which the qualified registered electors of the affected single-member district shall vote to elect a Commissioner. At the location selected, the affected Advisory Neighborhood Commission, in consultation with the OANC, shall make in-person voting available to qualified registered electors during at least a 4-hour time period. To vote, all qualified registered electors shall display their voter identification card or, alternatively, be listed as a voter in the affected single-member district on the Board’s voter registration list. Ballot counting shall be facilitated by at least 2 representatives of the OANC, and the results shall be read aloud at the conclusion of the selected time period by the Chairperson of the Advisory Neighborhood Commission, by such Commissioner as the Chairperson shall designate, or in the event that the Office of the Chairperson is vacant or there are no Commissioners present, by the presiding Commissioner at the next regularly scheduled meeting of the Commission; and

“(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, if the affected single-member district contains the Central Detention Facility and Correctional Treatment Facility, the affected Advisory Neighborhood Commission, in consultation with the OANC, shall make in-person voting available to qualified registered electors within the single-member district who are not in the care and custody of the Department of Corrections, and the Department of Corrections, in consultation with the affected Advisory Neighborhood Commission and the OANC, shall make voting available to qualified registered electors in its care and custody, including by distributing ballots to qualified registered electors listed as voters in the affected single-member district on the voter registration list provided by the Board, collecting the ballots, and transmitting the ballots to the Board for counting and transmission of the results to the OANC and the affected Advisory neighborhood Commission.”.

(c) Section 14(b) (D.C. Official Code § 1-309.11(b)) is amended as follows:

(1) Paragraph (1A) is repealed.

(2) A new paragraph (1B) is added to read as follows:

“(1B) Notwithstanding any other provision of law, an Advisory Neighborhood Commissioner may call a meeting and remotely participate in that meeting and vote on matters before the Commission without being physically present through a teleconference or through digital means identified by the Commission for this purpose. Members physically or remotely present shall be counted for determination of a quorum.”.

## ENROLLED ORIGINAL

(d) Section 16(m)(1) (D.C. Official Code § 1-309.13(m)(1)) is amended by striking the phrase "District government." and inserting the phrase "District government; except, that notwithstanding any other provision of District law, a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including food or supplies, during a public emergency, as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304), or otherwise assisting in the response to a public emergency anywhere in the District, even if those services are duplicative of services performed by the District government." in its place.

## Sec. 3. Applicability


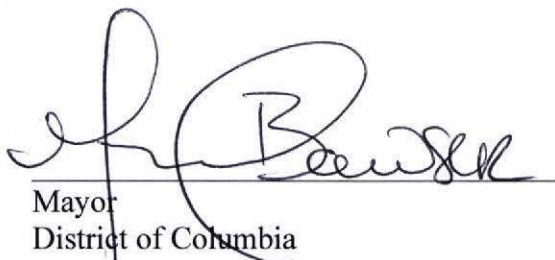
This act shall apply as of February 4, 2022.

## 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 3, 2022



ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 24-317**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 3, 2022**

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To amend, on an emergency basis, Chapter 38 of Title 28 of the District of Columbia Official Code to require credit reporting agencies to accept a personal statement from a consumer indicating the consumer experienced financial hardship resulting from a public health emergency, to prohibit users of credit reports from taking into consideration adverse information in a report that was the result of the consumer's action or inaction that occurred during the public health emergency, to require credit reporting agencies to notify residents of the right to request a personal statement, and to provide for civil action for such violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Health Emergency Credit Alert Emergency Amendment Act of 2022".

Sec. 2. Chapter 38 of Title 28 of the District of Columbia Official Code is amended as follows:

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

"Subchapter IV. Public Health Emergency Credit Alert.

"28-3871. Public health emergency credit alert."

(b) A new section 28-3871 is added to read as follows:

"§ 28-3871. COVID-19 Emergency credit alert.

"(a)(1) If a consumer reports in good faith that the consumer has experienced financial hardship resulting directly or indirectly from the public health emergency declared pursuant to § 7-2304.01 a credit reporting agency maintaining a file on the consumer shall accept and include in that file a personal statement furnished by the consumer indicating that the consumer has been financially impacted by the COVID-19 emergency.

"(2) A credit reporting agency shall provide that personal statement along with any credit report provided by the agency, beginning on the date the credit reporting agency receives the personal statement, unless the consumer requests that the personal statement be removed.

## ENROLLED ORIGINAL

“(b) This section shall not apply to a federal credit union, as defined by 12 U.S.C. § 1752(1), a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as defined by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not apply to any entity to which the savings clause at 12 U.S.C. § 25b(b)(2) applies.

“(c)(1) No user of a credit report shall consider adverse information in a report that was the result of an action or inaction by a consumer that occurred during, and was directly or indirectly the result of, a public health emergency declared pursuant to § 7-2304.01 if the credit report includes a personal statement pursuant to subsection (a) of this section.”

“(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. § 1681j, the entity providing the credit report must notify the resident of the right to request a personal statement to accompany the credit report.

“(e) If a credit reporting agency violates this section, the affected consumer may bring a civil action consistent with 15 U.S.C. § 1681n.

“(f)(1) The Attorney General may petition the Superior Court of the District of Columbia for temporary or permanent injunctive relief for, and for an award of damages for property loss or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or deceptive conduct in violation of this section that harms a District resident.

“(2) In an action under this section, the Attorney General may recover:

“(A) A civil penalty not to exceed \$1,000 for each violation; and

“(B) Reasonable attorney’s fees and costs of the action.

“(g) The following terms shall have the same meaning as defined in § 28-3861:

“(1) “Consumer;”

“(2) “Credit report;” and

“(3) “Credit reporting agency

“(h) This section shall not be construed in a manner inconsistent with (15 U.S.C. § 1681 *et seq.*, or any other federal law or regulation.”.

### Sec. 3. Applicability.

This act shall apply as of February 4, 2022.

### Sec. 4. Fiscal impact statement.


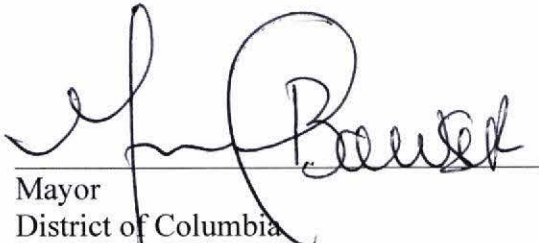
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

### Sec. 5. Effective date.

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

## ENROLLED ORIGINAL

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

  
Chairman  
Council of the District of Columbia  
Mayor  
District of Columbia  
APPROVED  
February 3, 2022



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 24-318**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 3, 2022**

To amend, on an emergency basis, District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide paid leave for a District government employee when the employee suffers the death of the employee's minor child or a stillbirth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Family Bereavement Leave Emergency Amendment Act of 2022".

Sec. 2. Section 1203 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-612.03), is amended by adding a new subsection (n-1) to read as follows:

"(n-1)(1) Beginning February 1, 2022, in addition to the leave authorized by subsection (n) of this section, an employee shall be entitled to 10 days of bereavement leave without loss of pay, leave, or service credit when the employee suffers a stillbirth or the employee suffers the death of the employee's child under the age of 21 years.

"(2) Leave authorized by paragraph (1) of this subsection must be exercised within 60 days after the death of the employee's child or stillbirth, whichever is later.

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

"(A) "Child" means the biological, adoptive, or step-child of the employee, the employee's spouse, or person for whom the employee stands in loco parentis.

"(B) "Stillbirth" means the loss of a pregnancy at 20 weeks' gestation or later."

Sec. 3. Applicability.

This act shall apply as of February 1, 2022.


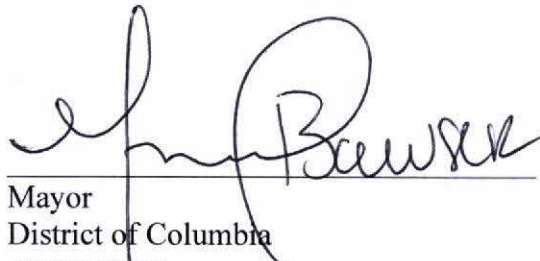
Sec. 4. Fiscal impact statement.

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).

## ENROLLED ORIGINAL

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 3, 2022

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 24-319**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 3, 2022**

To amend, on an emergency basis, due to congressional review, the Accrued Sick and Safe Leave Act of 2008 to provide paid time off for COVID vaccinations and recovery; the District of Columbia Family and Medical Leave Act of 1990 to extend and update existing unpaid leave available for COVID-related purposes; and the Coronavirus Support Temporary Amendment Act of 2021 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "COVID Vaccination Leave Congressional Review Emergency Amendment Act of 2022".

Sec. 2. The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

(a) Section 2(5) (D.C. Official Code § 32-531.01(5)) is amended to read as follows:

"(5) "Paid leave" means:

"(A) Accrued increments of compensated leave provided by an employer for use by an employee during an absence from employment for any of the reasons specified in section 3(b); and

"(B) Compensated leave required to be provided by an employer to an employee pursuant to section 3a or 3b."

(b) Section 3(c)(1) (D.C. Official Code § 32-531.02(c)(1)) is amended by striking the phrase "Paid leave under" and inserting the phrase "Except as provided in section 3a or 3b, paid leave under" in its place.

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

"Sec. 3b. Paid vaccination leave requirement.

"(a)(1) In addition to paid leave otherwise provided under this act, an employer shall provide paid leave to an employee pursuant to this section for an absence from work related to COVID-19 vaccination.

"(2) An employer shall provide paid leave to an employee in the following amounts, but shall not be required to provide more than 48 hours of leave in total in a year



## ENROLLED ORIGINAL

beginning on the effective date of the COVID Vaccination Leave Emergency Amendment Act of 2021, effective November 18, 2021 (D.C. Act 24-209; 68 DCR 12355):

“(A) For vaccination leave, up to 2 hours per injection; and

“(B) For vaccination recovery leave, up to 8 hours per injection during the 24-hour period following the 2-hour vaccination leave period.

“(3)(A) Subject to subparagraph (B) of this paragraph, an employer shall compensate an employee for leave provided pursuant to this section at the employee’s regular rate of pay. In the case of an employee who does not have a regular rate of pay, the employee’s rate of pay shall be determined by dividing the employee’s total gross earnings, including all tips, commission, piecework, or other earnings earned on an irregular basis for the most recent workweek that the employee worked for the employer, by the number of hours the employee worked during that workweek.

“(B) In no case shall an employee’s rate of pay fall below the minimum wage established by section 4(a) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Code Official Code § 32-1003(a)).

“(4) An employer shall provide paid leave under this section to any employee who commenced work for the employer at least 15 days before the request for leave.

“(b)(1) Notwithstanding any other provision of this act or An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 977; D.C. Official Code § 32-1301 et seq.), the Mayor may, but shall not be required, to enforce violations of this section through investigation and administrative proceedings sua sponte or in response to an administrative complaint filed pursuant to section 13.

“(2) Before taking any other administrative action on a complaint filed pursuant to section 13, the Mayor shall promptly provide the employer with written notice of the alleged violation, in a form or manner to be determined by the Mayor, and give the employer 5 business days to cure the alleged violation. The time to cure the violation shall run from the date the employer receives the notice.

“(c) Notwithstanding any other provision of this act:

“(1) The paid leave required to be provided under this section shall be in addition to any other paid leave an employer provides an employee under an existing leave policy, including under an existing contract or collective bargaining agreement; provided, that a paid leave policy that exclusively and expressly provides for COVID vaccination and recovery leave, and does not reduce other available paid leave, in amounts equivalent to or greater than the paid leave required under this section shall satisfy the requirements of this section; and

“(2) Parties to a collective bargaining agreement may not waive or reduce the amount of leave an employer is required to provide pursuant to this section.

“(d) This section shall not apply to the extent it is preempted by a currently enforceable federal law, regulation, or standard.

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



## ENROLLED ORIGINAL

“(1) “Child” means a child under the age of 18 years who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility, or a foster child under the age of 18 years.

“(2) “Employer” does not include:

“(A) The District government; or

“(B) A public charter school, as the term is defined in section 2002(29) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-226; D.C. Official Code § 38-1800.02(29)).

“(3) “Vaccination leave” means leave taken from employment by an employee to receive an injection, or for an employee’s child to receive an injection, of a COVID-19 vaccination approved by the federal Food and Drug Administration, including a booster injection approved for the employee or child by the Centers for Disease Control and Prevention.

“(4) “Vaccination recovery leave” means leave taken from employment by an employee to recover, or for an employee to care for a child recovering, from side effects from a COVID-19 vaccination approved by the federal Food and Drug Administration, including a booster injection approved for the employee or child by the Centers for Disease Control and Prevention, which precludes the employee from performing his or her work.”.

(c) Section 4 (D.C. Official Code § 32-531.03) is amended as follows:

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

(2) New subsections (b) and (c) are added to read as follows:

“(b) An employer may not require an employee who seeks to use paid leave pursuant to section 3a to:

“(1) For any reason, provide more than 48 hours’ notice of the need to use such leave;

“(2) In the event of an emergency, provide more than reasonable notice of the employee’s need to use such leave; or

“(3) Search for or identify another employee to perform the work hours or work of the employee using paid leave.

“(c) An employer may not require an employee who seeks to use paid leave pursuant to section 3b to search for or identify another employee to perform the work hours or work of the employee using the paid leave.”.

(d) Section 5 (D.C. Official Code § 32-531.04) is amended as follows:

(1) A new subsection (a-2) is added to read as follows:

“(a-2) An employer may require that an employee who uses paid leave pursuant to section 3b to provide reasonable documentation upon return to work of the need for leave, which may include a vaccination record or other documentation attesting to the date and time of the vaccination injection.”.

(2) Subsection (b)(2) is amended by striking the phrase “under section 3” and inserting the phrase “under sections 3, 3a, or 3b” in its place.

## ENROLLED ORIGINAL

Sec. 3. The District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended by adding a new section 3a to read as follows:

“Sec. 3a. COVID-19 leave.

“(a) Beginning November 5, 2021, an employee shall be entitled to leave if the employee is unable to work because the employee:

“(1) Has tested positive for COVID-19 or is caring for a family member or individual with whom the employee shares a household who has tested positive for COVID-19 and must quarantine pursuant to Department of Health guidelines;

“(2) Has a recommendation from a health care provider or a directive from an employer that the employee isolate or quarantine due to COVID-19, including because the employee or an individual with whom the employee shares a household is at high risk for serious illness from COVID-19;

“(3) Must care for a family member or an individual with whom the employee shares a household, who is isolating or quarantining pursuant to Department of Health guidance, the recommendation of a health care provider, or the order or policy of the family member’s or individual’s school or childcare provider; or

“(4) Must care for a child whose school or place of care is closed or whose childcare provider is unavailable to the employee due to COVID-19.

“(b) An employee may use no more than 16 weeks of leave pursuant to this section in the 2-year period beginning on the effective date of the COVID Vaccination Leave Emergency Amendment Act of 2021, effective November 18, 2021 (D.C. Act 24-209; 68 DCR 12355).

“(c) An employer may require reasonable certification of the need for COVID-19 leave, including as follows:

“(1) If the leave is needed due to a positive COVID-19 test of the employee or employee’s family or household member, a copy of such test results with the date;

“(2) If the leave is necessitated by the recommendation of a health care provider to an employee’s family member or individual with whom the employee shares a household, a written, dated statement from a health care provider stating that the individual has such need and the probable duration of the condition;

“(3) If the leave is necessitated because of Department of Health guidance, a copy of such guidance and other supporting documentation that demonstrates the need for leave at the time it is taken or requested;

“(4) If the leave is needed because a child must quarantine due to school or childcare provider policy or orders, a copy of that policy or a dated statement from the head or administration of the school or childcare provider stating such need to quarantine or isolate or providing information and a dated copy of a communication to or from the school or childcare provider indicating the child had to quarantine; or



## ENROLLED ORIGINAL

“(5) If the leave is needed because a school, place of care, or childcare provider is unavailable due to COVID-19, a statement by the head of the agency, company, or childcare provider stating such closure or unavailability, which may include a printed statement obtained from the institution’s website.

“(d) An employer may require an employee to provide reasonable advance notice of leave taken under section; provided, that in the event of an emergency or an unforeseen need to use the leave an employer may not require an employee to provide advance notice of the employee's need to use leave, but may require notice to be provided as soon as reasonably practicable after leave is taken, but in no event fewer than 24 hours, after leave is taken.

“(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, leave under this section may consist of unpaid leave.

“(2) Any paid leave provided by an employer that the employee elects to use for leave under this section shall count against the total workweeks of allowable leave provided in this act.

“(3) If an employer has a program that allows an employee to use the paid leave of another employee under certain conditions and the conditions have been met, the employee may use the paid leave and the leave shall count against the 16 workweeks of leave provided in this section.

“(4) An employee shall not be required, but may elect, to use leave provided under this section before other leave to which the employee is entitled under federal or District law or an employer’s policies, unless barred by District or federal law.

“(f) The provisions of section 6 shall apply to an employee who takes leave pursuant to this section.

“(g) An employer who willfully violates subsection (a), (b), (c), (d), or (e) of this section shall be assessed a civil penalty of \$1,000 for each offense.

“(h) The rights provided to an employee under this section may not be diminished by any collective bargaining agreement or any employment benefit program or plan; except, that this section shall not supersede any clause on family or medical leave in a collective bargaining agreement in force on the applicability date of this section for the time that the collective bargaining agreement is in effect.

“(i) For the purposes of this section, the term “COVID-19” means the disease caused by the novel coronavirus SARS-CoV-2.”.

Sec. 4. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 6913), is amended as follows:

(a) Section 104(b) is repealed.

(b) Section 105(a) is amended as follows:

(1) Paragraph (1) is repealed.

(2) Paragraph (3) is repealed.

## ENROLLED ORIGINAL

## Sec. 5. Applicability.

This act shall apply as of February 3, 2022.

## Sec. 6. Fiscal impact statement.

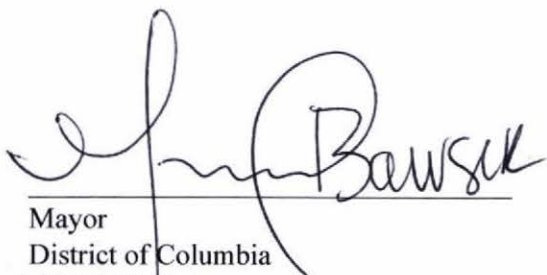
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

## Sec. 7. Effective date.

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 3, 2022

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 24-320**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 3, 2022**

To extend, on an emergency basis, the current foreclosure moratorium until June 30, 2022, and to further extend a foreclosure moratorium to September 30, 2022, for homeowners who have an application for certain government homeowner assistance pending approval, pending payment, or under appeal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Foreclosure Moratorium Extension Emergency Amendment Act of 2022".

Sec. 2. Foreclosure moratorium.

(a)(1) Notwithstanding any other provision of District law, during the time period from March 11, 2020, to June 30, 2022, no:

(A) Residential foreclosure may be initiated or conducted under section 539 or section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274/1204; D.C. Official Code §§ 42-815 and 42-816) ("section 539 or section 95");

(B) Sale may be initiated or conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)); and

(C) Judgment foreclosing the right of redemption shall be entered under D.C. Official Code § 47-1378.

(2) From July 1, 2022, through September 30, 2022, no residential foreclosure may be initiated or conducted under section 539 or section 95, no sale may be initiated or conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)), and no judgment foreclosing the right of redemption shall be entered under D.C. Official Code § 47-1378, if:



## ENROLLED ORIGINAL

(A) A homeowner or their representative applies for financial assistance to cure a debt or default with funds from the Department of Housing and Community Development's Homeowner Assistance Fund ("Homeowner Assistance Funds") or a similar government fund established to assist homeowners impacted by the COVID-19 public emergency or public health emergency declared pursuant to the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*) ("financial assistance application");

(B) The financial assistance application is pending approval, pending payment, or under appeal;

(C) Proof of the financial assistance application status described in subparagraph (B) of this paragraph is presented, as a paper copy or through an electronic medium, to the mortgage lender, condominium association, homeowners association, or tax sale purchaser, or to an agent acting as a representative for any housing or financing entity to which a homeowner is indebted; and

(D) The actions taken pursuant to subparagraphs (A) and (C) of this paragraph occur no later than 60 calendar days after July 1, 2022.

(3) The Mayor, or a designee, shall ensure that a homeowner applying for Homeowner Assistance Funds, or for similar government funds established to assist homeowners impacted by the COVID-19 public emergency or public health emergency declared pursuant to the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is provided with documentation in a timely manner that will enable the applicant to present proof of the financial assistance application status as described in paragraph (2) of this subsection.

(b) This section shall not apply to a residential property at which neither a record owner nor a person with an interest in the property as heir or beneficiary of a record owner, if deceased, has resided for at least 275 total calendar days during the 12 months period immediately preceding October 1, 2021.

Sec. 3. 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.*), is amended by adding a new section 510b to read as follows:

"Sec. 510b. Tolling of tenant deadlines.

"The running of the time periods under sections 410(1) and 411(1) for tenants and tenant groups to submit a written statement of interest and tenant organizations to register to exercise rights and the time periods under sections 410(2) and 411(2) for tenants and tenant organizations to negotiate a contract of sale shall be tolled from the applicability date of the Foreclosure Moratorium Extension Emergency Amendment Act of 2022, passed on emergency basis on January 18, 2022 (Enrolled version of Bill 24-612), through February 15, 2022."

## ENROLLED ORIGINAL

## Sec. 4. Applicability.

This act shall apply as of January 5, 2022.

## Sec. 5. Fiscal impact statement.

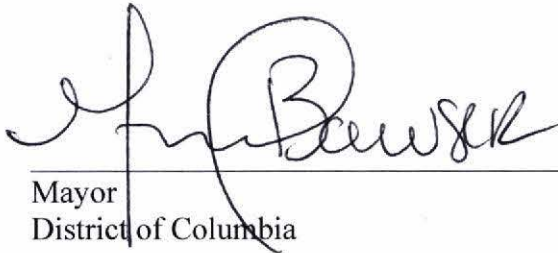
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

## Sec. 6. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
February 3, 2022



ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 24-321**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 8, 2022**

To amend, on an emergency basis, the District of Columbia Unemployment Compensation Act to toll the time period to request a hearing from the Office of Administrative Hearings for unemployment compensation appeals.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Unemployment Appeals Extension Emergency Amendment Act of 2022".

Sec. 2. Section 11 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 951; D.C. Official Code § 51-111) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) Notwithstanding any other provision of District law, but subject to applicable federal laws and regulations, the time period to request an administrative hearing for an appeal of a determination of benefits eligibility for unemployment compensation pursuant to subsection (b) of this section shall be tolled."

Sec. 3. Applicability.

This act shall apply as of February 4, 2022.

Sec. 4. Fiscal impact statement.


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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia\_\_\_\_\_  
UNSIGNED

Mayor  
District of Columbia  
February 3, 2022

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 24-322**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 8, 2022**

To require, on an emergency basis, the notification of positive COVID-19 cases within 24 hours to families with a student in an affected classroom, that the notifications be provided via a parent or guardian's preferred contact method, District of Columbia Public Schools to report to the Council the schools that have not been assigned expanded staffing related to the COVID-19 pandemic, and the Office of the State Superintendent to post the percentage of randomized asymptomatic testing occurring in each school; and to amend the Protecting Our Children Temporary Amendment Act of 2021 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Returning to School Safely Emergency Amendment Act of 2022".

Sec. 2. Classroom notification and COVID surge reporting requirements.

(a)(1) After a confirmed COVID-19 case of a student attending in-person learning or a school employee assigned to a classroom, a school shall send notice to all parents or guardians of students in the affected classroom and to all school personnel known to have spent at least one 15-minute period in the prior 3 days in the same classroom as the student or school employee. The notice shall disclose the fact of a positive test in the classroom and provide information on COVID-19 testing locations.

"(2) The notice required pursuant to paragraph (1) of this subsection shall be sent within 24 hours, or one business day if the case is confirmed on a day when schools are closed, of a confirmed COVID-19 case to school staff assigned to the affected classroom and to parents or guardians of students in the affected classroom electronically or through the preferred method of contact asserted by a student's parent or guardian, if one has been asserted.

(b)(1) Within 2 business days after the effective date of the Returning to School Safely Emergency Amendment Act of 2022, passed on emergency basis on January 18, 2022 (Enrolled version of Bill 24-611), and monthly thereafter, DCPS shall transmit to the Council and post on the DCPS website the names of schools that have not been assigned a COVID Strategy and Logistics Coordinator and the names of schools that have not been assigned a full-time substitute teacher as of that date.



## ENROLLED ORIGINAL

(2) The Office of the State Superintendent shall post on its website every week the percentage of randomized asymptomatic testing completed in each school during the preceding week.

(c) For the purposes of this section, the term:

(1) "DCPS" means District of Columbia Public Schools.

(2) "School" means a school in the DCPS system or an individual public charter school.

Sec. 3. Title I of the Protecting Our Children Temporary Amendment Act of 2021, enacted December 13, 2021 (D.C. Act 24-241; 68 DCR 13501), is amended as follows:

(a) Section 104(b) is amended to read as follows:

"(b)(1) The notification required pursuant to subsection (a)(1) of this section may be electronic.

"(2) The notice required pursuant to subsection (a)(1) of this section shall be sent within 24 hours, or 1 business day if the case is confirmed on a day when schools are closed, of a confirmed COVID-19 case to school staff assigned to the affected classrooms and to parents or guardians of students in the affected classroom electronically or through the preferred method of contact asserted by a student's parent or guardian, if one has been asserted."

(b) A new section 105a is added to read as follows:

"Sec. 105a. COVID surge reporting requirements.

"(a) Within 2 business days after the effective date of the Returning to School Safely Emergency Amendment Act of 2022, passed on emergency basis on January 18, 2022 (Enrolled version of Bill 24-611), and weekly thereafter, DCPS shall transmit to the Council the names of schools that have not been assigned a COVID Strategy & Logistics Coordinator and the names of schools that have not been assigned a full-time substitute teacher as of that date.

"(b) The Office of the State Superintendent shall post to its website every week the percentage of randomized asymptomatic testing completed in each school in the preceding week."

Sec. 4. Applicability.

(a) Section 2 shall apply from January 24, 2022, through February 18, 2022.

(b) Section 3 shall apply as of February 18, 2022.


Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-307.47a).

ENROLLED ORIGINAL

Sec. 6. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

\_\_\_\_\_  
UNSIGNED

Mayor  
District of Columbia

February 3, 2022

## ENROLLED ORIGINAL

## A RESOLUTION

24-369

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

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 its overtime pay spending 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 2022”.

Sec. 2. (a) On October 5, 2021, the Council passed the Metropolitan Police Department Overtime Spending Accountability Emergency Act of 2021, effective October 26, 2021 (D.C. Act 24-187; 68 DCR 11339) (“emergency act”), which expired on January 24, 2022.

(b) On November 2, 2021, the Council passed the Metropolitan Police Department Overtime Spending Accountability Temporary Act of 2021, enacted on November 23, 2021 (D.C. Act 24-219; 68 DCR 12382) (“temporary act”), which is currently pending congressional review and has a projected effective date of March 8, 2022.

(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 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-370

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Homeless Services Reform Act of 2005 to extend the expiration date of the Flexible Rent Subsidy Pilot Program to September 30, 2026.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Flexible Rent Subsidy Pilot Program Extension Congressional Review Emergency Declaration Resolution of 2022”.

Sec. 2. (a) On October 5, 2021, the Council passed the Flexible Rent Subsidy Pilot Program Extension Emergency Amendment Act of 2021, effective October 25, 2021 (D.C. Act 24-180; 68 DCR 11318) (“emergency act”), which expired on December 29, 2021.

(b) On November 2, 2021, the Council passed the Flexible Rent Subsidy Pilot Program Extension Temporary Amendment Act of 2021, enacted on November 18, 2021 (D.C. Act 24-216; 68 DCR 12373) (“temporary act”), which is currently pending congressional review and has a projected effective date of March 8, 2022.

(c) This congressional review emergency legislation is necessary to retroactively 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 Flexible Rent Subsidy Pilot Program Extension Congressional Review Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-371

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow the Chairman of the Council to take disciplinary action against Council employees for failure to comply with the Council COVID-19 Vaccination Policy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Council Vaccination Policy Enforcement Congressional Review Emergency Declaration Resolution of 2022”.

Sec. 2. (a) On October 5, 2021, the Council adopted the Council Vaccination Policy Enforcement Emergency Amendment Act of 2021, enacted November 1, 2021 (D.C. Act 24-204; 68 DCR 11650) (“emergency act”), which expired on January 30, 2022.

(b) On November 2, 2021, the Council passed the Council Vaccination Policy Enforcement Temporary Amendment Act of 2021, enacted on December 14, 2021 (D.C. Act 24-243; 68 DCR 13509) (“temporary act”), which is projected to complete congressional review on February 18, 2022.

(c) This identical 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 in section 2 constitute emergency circumstances making it necessary that the Council Vaccination Policy Enforcement Congressional Review Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

24-372

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency, due to congressional review, with respect to the need to require that the District of Columbia Public Schools (“DCPS”) and public charter school local education agencies provide a distance learning program that complies with the Individual with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973 to a certain number of students who are ineligible for the COVID-19 vaccine and for whom a physician, nurse practitioner, or physician assistant recommends that the student not attend in-person school either because the student has a medical condition that places the student at high risk of severe illness from COVID-19 infection or an individual in the student’s household has a medical condition that places the individual at high risk of severe illness from COVID-19 infection, to make clear that students who attend distance learning are to be considered enrolled in the local education agency (“LEA”) for the purposes of the enrollment audit, school payment process, and other reasons as determined by the Office of the State Superintendent of Education, even if the student is not physically attending the LEA, to mandate progressive COVID-19 asymptomatic testing in public and public charter schools, to require that each DCPS school and public charter school provide certain notifications to parents, guardians, and school staff when there is a confirmed case of COVID-19 in the school or classroom, to require certain reporting requirements related to COVID-19 cases by the Department of Health and certain reporting by the Department of General Services and DCPS on school facility issues, to direct the Department of Consumer and Regulatory Affairs to waive fines if it fails to approve an LEA’s applications for permits for outdoor eating and learning structures within 3 weeks of receiving the application; and to amend an Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to define excused absences for DCPS

## ENROLLED ORIGINAL

schools and public charter schools as including certain absences related to COVID-19 infections during School Year 2021-2022.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Protecting Our Children Congressional Review Emergency Declaration Resolution of 2022”.

Sec. 2. (a) On October 5, 2021, the Council adopted the Protecting Our Children Emergency Amendment Act of 2021, effective October 26, 2021 (D.C. Act 24-190; 68 DCR 11348), which expired on January 24, 2022.

(b) On November 2, 2021, the Council adopted the Protecting Our Children Temporary Amendment Act of 2021, enacted on December 14, 2021 (D.C. Act 24-241; 68 DCR 13501) (“temporary act”), which is undergoing congressional review and is projected to become law on February 18, 2022.

(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 in section 2 constitute emergency circumstances making it necessary that the Protecting Our Children Congressional Review Emergency Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-374

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to approve Modification Nos. 01, 02 and 03 to Contract No. DCAM-20-NC-RFP-0001C, between the Department of General Services and G-Sida General Services, LLC, increasing the aggregate not to exceed amount of the contract for option year one to \$1,857,712.42, and authorize payment to G-Sida General Services, LLC for goods and services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Modification Nos. 01, 02 and 03 to Contract No. DCAM-20-NC-RFP-0001C with G-Sida General Services, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2022”.

Sec. 2 (a) There exists an immediate need to approve Modification Nos. 01, 02 and 03 to the Contract No. DCAM-20-NC-RFP-0001C ( “Contract”), between the Department of General Services (“Department”) and G-Sida General Services, LLC ( “Contractor”), which would increase the aggregate not-to-exceed (“NTE”) amount for the first of 4 one-year option periods (“Option Year One”) to \$1,857,712.42 and authorize payment to the Contractor for goods and services received and to be received under these modifications.

(b) On May 27, 2021, via Modification No. 01, the Department partially exercised Option Year One of the Contract, extending the term of the Contract from June 1, 2021, through November 30, 2021, and establishing a NTE amount of \$920,951.34. On November 10, 2021, via Modification No. 02, the Department partially exercised another fraction of Option Year One, extending the term of the Contract for Option Year One from December 1, 2021, through February 28, 2022, and increased the NTE amount by \$61,396.76, from \$920,951.34 to \$982,348.10.

(c) The proposed Modification No. 03 would exercise the remaining fraction of Option Year One, extending the term of the Contract from March 1, 2022, to May 31, 2022, and increasing the NTE amount for Option Year One by \$875,364.32, from \$982,348.10 to \$1,857,712.42. Modification Nos. 01, 02 and proposed Modification No. 03 will fully exercise Option Year One and increase the total NTE amount of Option Year One of the Contract by an amount in excess of \$1 million; thus, Council approval of the proposed Contract is required

**ENROLLED ORIGINAL**

pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Council approval of the proposed Modification Nos. 01, 02, and 03 is necessary to authorize the continuation of comprehensive city-wide landscaping maintenance and supplemental landscaping services and to compensate the Contractor for services provided and to be provided under these modifications.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 01, 02 and 03 to Contract No. DCAM-20-NC-RFP-0001C with G-Sida General Services, LLC Approval and Payment Authorization Emergency Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-376

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. CW95800 with Plenary Infrastructure DC to design, finance, construct, install, and maintain upgrades to the District's streetlight network and install Smart City Technology components in collaboration with the District Department of Transportation and the Office of the Chief Technology Officer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW95800 with Plenary Infrastructure DC Emergency Declaration Resolution of 2022".

Sec. 2. (a) The Office of Public-Private Partnerships proposes to enter into multiyear Contract No. CW95800 with Plenary Infrastructure DC to design, finance, construct, install, and maintain upgrades to the District's streetlight network and install Smart City Technology components in collaboration with the District Department of Transportation and the Office of the Chief Technology Officer.

(b) The not-to-exceed price for the term of this multiyear contract with Plenary Infrastructure DC is \$309,032,000 for the 15-year period of performance.

(c) Emergency approval is necessary to allow the District to receive the benefit of these mission-critical services in a timely manner from Plenary Infrastructure DC and to ensure that the District and proposed contractor are able to meet all required financial closing milestones related to the project by June 2022, including, and in parallel to, the Private Activity Bond Council approval process related to the project's financing structure.

(d) These critical services can only be obtained through an award of the multiyear contract with Plenary Infrastructure DC.

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. CW95800 with Plenary Infrastructure DC Emergency Approval Resolution of 2022 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-377

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To approve, on an emergency basis, multiyear Contract No. CW95800 with Plenary Infrastructure DC to design, finance, construct, install, and maintain upgrades to the District's streetlight network and install Smart City Technology components in collaboration with the District Department of Transportation and the Office of the Chief Technology Officer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW95800 with Plenary Infrastructure DC Emergency Approval Resolution of 2022".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves multiyear Contract No. CW95800 with Plenary Infrastructure DC to design, finance, construct, install, and maintain upgrades to the District's streetlight network and install Smart City Technology components in collaboration with the District Department of Transportation and the Office of the Chief Technology Officer in the not-to-exceed amount of \$309,032,000.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-379

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to continue requiring that providers of commercial or residential rental property offer a rent payment plan for eligible tenants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tenant Payment Plan Phasing Emergency Declaration Resolution of 2022”.

Sec. 2. (a) During the COVID-19 pandemic, the Council created protections and procedural changes to address the widespread ramifications of the public health emergency and its aftermath. As vaccination and testing have become more available, the District removed the initial COVID-19 public health emergency in July 2021 and has loosened many of the temporary measures that affected earnings for certain businesses and residents. Therefore, most of the new or amended laws related to COVID-19 are being phased out. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824) (“Temporary Act”), which contains the majority of these measures, will expire on February 4, 2022.

(b) For commercial and residential tenants, one provision in the Temporary Act provides that their rental provider shall offer a rent payment plan for eligible tenants throughout the pandemic and for one year thereafter (“rent payment plan law”). However, the Temporary Act will expire several months before the one-year period following the public health emergency has concluded.

(c) Both residential and commercial tenants have every reason to believe the rent payment plan law would be in place for the period of time that the Council indicated. Further, they may still owe rents or other amounts under their leases that have not yet been paid or addressed through a payment plan.

(d) Residential tenants who applied for emergency rental assistance through STAY DC are still getting communications about applications in progress and re-reviews that have taken an extended period of time. Often these applications are for one to 3 months’ rent. If these

**ENROLLED ORIGINAL**

applications are denied or not paid in full, the tenants may need a rent payment plan to come up to date with the remainder of their unpaid rent.

(e) Commercial tenants may also need additional time, either because they are facing a steep rent increase as commercial leases' rent escalation tables are chargeable again or because they are waiting for assistance from the delayed business grant program.

(f) Providing the amount of time for tenant payment plans that residential and commercial tenants and property owners expect upholds the promised timeline contained in the rent payment plan law and prevents an early and abrupt change in rental providers' responsibilities or tenants' rights.

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 Tenant Payment Plan Phasing Emergency Act of 2022 be adopted after a single reading.

Sec 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

24-380

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Public Emergency Act of 1980 to authorize certain emergency procurements deemed necessary to respond to changing public health conditions and to protect the health and safety of District residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Limited Coronavirus Procurement Second Extension Emergency Declaration Resolution of 2022”.

Sec. 2. (a) The Council acted to return the District to normal procurement operations as of November 5, 2021, in order to ensure adequate transparency, accountability, and competition in the District procurement system after approximately 20 months of expedited procurement authority pursuant to the earlier declared public emergency.

(b) Concluded and ongoing audits related to the use of emergency procurement authority have heightened concerns about its continued use without limitations in time and scope.

(c) Since November 5, 2021, the introduction of the Omicron variant of COVID-19 further endangered the District’s public health and safety and necessitated a government response.

(d) To respond to these concerns, the Council passed the Limited Coronavirus Procurement Extension Emergency Amendment Act of 2021 on December 21, 2021, which authorized specific categories of emergency procurements for a limited time to meet the greatest identified needs when prior notice is given to the Council of each procurement.

(e) During the term of that emergency legislation, the administration conducted emergency procurements through other means and without prior notice to the Council or the public.

(f) That prior emergency legislation operated as an amendment to the Coronavirus Support Temporary Amendment Act of 2021, which will expire on February 4<sup>th</sup>, 2021.

(g) The rapidly evolving situation may require additional emergency procurement authority for a limited time to address public health needs.

**ENROLLED ORIGINAL**

(h) New emergency legislation is needed to authorize the legal and responsible use of emergency procurement authority within the framework previously approved by the Council to meet ongoing needs.

Sec. 3. Emergency declaration.

The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Limited Coronavirus Procurement Second Extension Emergency Amendment Act of 2022 be adopted on an emergency basis.

Sec. 4. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-381

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Homeless Services Reform Act of 2005 to authorize the Director of the Department of Human Services to exercise emergency powers regarding Continuum of Care services for the duration of a public emergency declaration.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Department of Human Services Emergency Powers Emergency Declaration Resolution of 2022”.

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Orders 2020-045 and 2020-046 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. As a result of the ongoing pandemic, subsequent orders have been issued extending the declaration of a public emergency.

(b) To help mitigate the spread of COVID-19 within congregate settings, the Department of Human Services (“DHS”) used its authority provided under the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824) (“Temporary Act”), to quickly transfer shelter residents who exhibit symptoms of, or test positive for, COVID-19, thereby limiting exposure to other residents.

(c) Though there is still a public emergency declaration in place, the authority provided to DHS under the Temporary Act expires on February 4, 2022.

(d) As evidenced by the extremely transmissible Omicron variant, there continues to be a need to protect some of the District’s most vulnerable residents from exposure in congregate settings operated by DHS.

(e) Thus, it is important that DHS’s emergency authority be extended to coincide with the public emergency declared by the Mayor.

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 Department of Human Services Emergency Powers Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-382

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Closing of Public Streets and Alleys and Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 3039, 3040, and 3043, S.O. 17-21093 and S.O. 17-21094, Act of 2020 to authorize the Surveyor to record the street and alley closing and dedication plats in multiple phases.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closing of Public Streets and Alleys Adjacent to Squares 3039, 3040, and 3043 Clarification Emergency Declaration Resolution of 2022”.

Sec. 2. (a) There exists an immediate need to close a portion of Morton Street, N.W., adjacent to Squares 3039 and 3040, and portions of the public alley system adjacent to Square 3039 in Ward 1, to accept the dedication and designation of 6th Street, N.W., Luray Place, N.W., and an extension of Morton Street, N.W., adjacent to Squares 3039, 3040, and 3043, for public street purposes, and to accept the dedication of land adjacent to Square 3039 for public alley purposes in Ward 1 to enable, without further delay, the development of portions of the Park Morton Redevelopment Plan to replace public housing for residents of Park Morton in Ward 1.

(b) The Park Morton Redevelopment Plan, as approved by the Park Morton Redevelopment Initiative Plan Approval Resolution of 2008, effective February 19, 2008 (Res. 17-538; 55 DCR 1881), calls for a one-for-one replacement of all 174 public-housing units at build-first sites at a small parcel located at 3506 Georgia Avenue, N.W., and a much larger parcel at the former Bruce Monroe School site on Georgia Avenue, N.W., between Columbia Street, N.W. and Irving Street, N.W.

(c) The Council passed the Closing of Public Streets and Alleys and Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 3039, 3040, and 3043, S.O. 17-21093 and S.O. 17-21094, Act of 2020, effective March 16, 2021 (D.C. Law 23-239; 68 DCR 1482), to effectuate the necessary alley closures and street dedications for this new construction.

**ENROLLED ORIGINAL**

(d) Phase one construction has commenced, allowing Park Morton residents to be able to stay in units on the south side of the footprint while replacement units are being constructed.

(e) The Council previously approved emergency and temporary measures when it was discovered that additional language was needed to enable the street and alley closure and dedication plats to be recorded in multiple phases in order to guarantee this build-first phasing. The Closing of Public Streets and Alleys Adjacent to Squares 3039, 3040, and 3043 Clarification Temporary Amendment Act of 2021, effective July 28, 2021 (D.C. Law 24-12; 68 DCR 5832), is set to expire on March 10, 2022, before the second phase of plats has been recorded.

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 Closing of Public Streets and Alleys Adjacent to Squares 3039, 3040, and 3043 Clarification Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

24-383

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Ward Redistricting Amendment Act of 2021 and the Ward Redistricting Emergency Amendment Act of 2021 to make technical corrections to the 2022 Ward boundaries.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ward Redistricting Technical Corrections Emergency Declaration Resolution of 2022”.

Sec. (a) The Ward Redistricting Amendment Act of 2021, enacted on December 29, 2021, 2021 (D.C. Act 24-265; 69 DCR 10) (“Act”), and the Ward Redistricting Emergency Amendment Act of 2021, effective December 29, 2021 (D.C. Act 24-264; 69 DCR 1) (“Emergency Act”), established new ward boundaries to be effective January 1, 2022.

(b) After the Office of Planning used the legislation to create the maps for the new Ward boundaries, the following 2 minor technical errors were discovered:

(1) A missing leg of the Ward 6 boundary that was included in the corresponding Ward 5 boundary; and

(2) A directional error with regard to the Ward 7 boundary that was correct in the corresponding Ward 6 boundary.

(c) It is necessary to make these 2 technical corrections to both the Act and the Emergency Act on an emergency basis given that the new ward boundaries have taken effect.

(d) These corrections will be made on a permanent basis as part of the Technical Amendments Act of 2022, passed on 1st reading on February 1, 2022 (Engrossed version of Bill 24-502).

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances making it necessary that the Ward Redistricting Technical Corrections Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-384

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Department of Insurance and Securities Regulation Establishment Act of 1996 to authorize the Commissioner of the Department of Insurance, Securities and Banking to exercise emergency powers to issue rulemakings, orders, or bulletins for the duration of a public emergency declared by the Mayor pursuant to the District of Columbia Public Emergency Act of 1980.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Department of Insurance, Securities and Banking Emergency Powers Emergency Declaration Resolution of 2022”.

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Orders 2020-045 and 2020-046, 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 orders have since been issued as the pandemic has ebbed and flowed, but the rise of the Omicron variant has shown the need for emergency authority to remain in place.

(b) Pursuant to the temporary emergency powers granted to the Commissioner of the Department of Insurance, Securities and Banking (“Commissioner”) by the Council in section 310 of the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01) (“D.C. Law 24-9”) and section 3(n) of the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, effective July 24, 2021 (Act 24-125; 68 DCR 7432) (“Act 24-125”), the Commissioner has exercised the emergency powers to provide relief to policyholders, including Commissioner’s Order 02-2021, which requires insurance coverage for COVID-19 testing for in-person work and learning.

(c) D.C. Law 24-9 established, on a temporary basis, the Commissioner’s emergency powers and predicated the exercise of those emergency powers on the existence of a public health emergency declared by the Mayor. Act 24-125 expanded, on an emergency basis, the Commissioner’s emergency powers by removing the condition of a public health emergency to permit the exercise of the emergency powers through November 5, 2021, which coincided with

## ENROLLED ORIGINAL

the then expiration of the Mayor's public emergency declaration. Pursuant to Mayor's Order 2022-007, the Mayor extended the public emergency in the District until March 17, 2022.

(d) On November 2, 2021, the Council passed the Department of Insurance, Securities and Banking Emergency Powers Temporary Amendment Act of 2022, enacted December 22, 2021 (Act 24-256; 68 DCR 14080) ("Act 24-256"). However, Act 24-256 amended section 310 D.C. Law 24-9, which expires on February 4, 2022.

(e) As February 4, 2022, approaches, it is apparent that many of the protections must be kept in place so long as the Mayor's public emergency remains in effect, which is set to expire March 17, 2022.

(f) As stated above, the emergency authority granted to the Commissioner to issue emergency rulemakings, orders, and bulletins under section 5a(a) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01), expires on February 4, 2022, while the Mayor's public emergency will remain in effect.

(g) It is crucial that the Commissioner's emergency powers be extended to coincide with the duration of the public emergency declared by the Mayor to, among other things, address the immediate need to continue requiring insurers to cover widespread COVID-19 testing for in-person work and learning.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Insurance, Securities, and Banking Emergency Powers Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-385

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to set a new expiration date for the issuance of 2-year qualifying patient and caregiver registration cards, to establish a sunset date for qualifying patients and caregivers whose registration cards expired on or after March 1, 2020, to continue to purchase medicinal marijuana, to ease registration burdens for seniors entering and remaining in the medical cannabis program until September 30, 2022 by allowing seniors 65 years and older to self-certify that they are utilizing cannabis for medical purposes until September 30, 2022, to increase the amount of dried cannabis a qualifying patient may possess at any one time from 4 ounces to 8 ounces, to amend Title 22-C of the District of Columbia Municipal Regulations to allow qualifying patients to establish residency in the District with one document, including a telephone bill or bank statement containing a District address, and to declare a 4/20 medical cannabis sales tax holiday week to retain and bring patients back to the medical cannabis program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Patient Access Extension Emergency Declaration Resolution of 2022”.

Sec. 2. (a) On November 2, 2021, the Council approved the Medical Marijuana Patient Access Emergency Amendment Act of 2021, effective November 5, 2021 (D.C. Act 24-206; 68 DCR 12188) (“Emergency Act”). The Emergency Act, which expires on February 3, 2022, is intended to ease the burdens for qualifying patients to access medical cannabis in light of the mass expiration of patient registrations at the end of the public health emergency on July 25, 2021, and the continuing threat posed by illicit cannabis storefronts and delivery services.

(b) It is estimated that the illicit cannabis market in the District logs \$600 million in sales annually, including those by illicit cannabis storefronts and delivery services, and this, in turn, is economically harming the medical cannabis program.

## ENROLLED ORIGINAL

(c) Two of the provisions of the Emergency Act are set to expire on January 31, 2022. The Emergency Act, including these 2 provisions, played a significant role in November 2021 dispensary sales being the highest that the medical cannabis program has experienced for any month of November. Cultivation Center sales were also the second highest for a month since this data started being tracked in April 2018. There remains a need to continue this momentum in patient access by continuing these 2 provisions until September 30, 2022.

(d) There remains a need to accommodate seniors seeking to enter or remain in the medical cannabis program by allowing them to self-certify on a form provided by the Alcoholic Beverage Regulation Administration that they are utilizing cannabis for medical purposes as part of the registration process until September 30, 2022.

(e) Additional medical cannabis patients can be attracted back to the program through the creation of a “4/20 Medical Cannabis Sales Tax Holiday Week” whereby medical cannabis patients would not pay the 6% sales tax for the period of Friday, April 15, 2022, through Sunday, April 24, 2022.

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 Medical Marijuana Patient Access Extension Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

24-386

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to amend the Early Childhood Educator Pay Equity Fund Establishment Act of 2021 to authorize the Office of the State Superintendent of Education to create a grant program that supports pay parity for early childhood educators in accordance with the recommendations of the Early Childhood Educator Equitable Compensation Task Force, and to enter into a sole source grant agreement for the purposes of implementing this program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of the State Superintendent of Education Pay Parity Program for Early Childhood Educators Authorization Emergency Declaration Resolution of 2022”.

Sec. 2. (a) There exists an immediate need to provide the Office of the State Superintendent of Education (“OSSE”) authority to create a grant program for the purpose of issuing direct-to-educator payments from the Early Childhood Educator Pay Equity Fund.

(b) The Birth-to-Three for All DC Act of 2018, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-410.01 *et seq.*), requires OSSE to develop an updated compensation scale for child development facilities to achieve compensation parity with elementary school teachers employed by the District of Columbia Public Schools, taking into account teacher roles, credentials, and experience.

(c) OSSE has not yet enacted an updated compensation scale pursuant to the law. As part of the Fiscal Year 2022 Budget Support Act of 2021, effective November 13, 2021 (D.C. Law 24-45; 68 DCR 12567), the Council unanimously voted to form an Early Childhood Educator Equitable Compensation Task Force (“Task Force”). The Task Force is charged with proposing an employee compensation scale for early childhood development providers and further recommending a permanent system to implement a new employee compensation scale by January 15, 2022.

(d) On January 4, 2022, the Council unanimously approved Bill 24-594, the Early Childhood Educator Equitable Compensation Task Force Emergency Amendment Act of 2022, effective January 24, 2022 (D.C. Act 24-311; 69 DCR 647), which allowed the Task Force to

**ENROLLED ORIGINAL**

propose a short-term report on January 15, 2022, and extended the due date for the long-term report to April 15, 2022.

(e) The Task Force submitted its short-term report on January 14, 2022. In the report, the Task Force recommends a “direct-to-educator” short-term mechanism that would quickly disburse funds to eligible educators. Further, the Task Force recommends OSSE procure an experienced intermediary to manage the payment process, from intake and verification to payment and documentations, for the payments from the Early Childhood Educator Pay Equity Fund specified in section 5102(b)(1) of the Fiscal Year 2022 Budget Support Act of 2021, effective November 13, 2021 (D.C. Law 24-45; § 1-325.431(b)(1)).

(f) For OSSE to move forward with disbursing direct-to-educator payments in the remainder of Fiscal Year 2022 as swiftly as possible, OSSE requires Council authorization to create a grant program that supports pay parity for early childhood educators in accordance with the recommendations of the Early Childhood Educator Equitable Compensation Task Force and authority to enter into a sole-source-grant agreement for the purposes of implementing this program. The Early Childhood Educator Equitable Compensation Task Force Emergency Amendment Act of 2022 gives OSSE that required explicit authority.

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 Office of the State Superintendent of Education Pay Parity Program for Early Childhood Educators Authorization Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

## ENROLLED ORIGINAL

## A RESOLUTION

24-387

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2022

To declare the existence of an emergency with respect to the need to authorize the Mayor to exercise eminent domain to acquire the real property known as East Capitol Gateway, known for tax and assessment purposes as Lot 0110 in Square 5246 and Lots 807, 808, 809, and 7000 through 7014 in Square 5273.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “East Capitol Gateway Eminent Domain Authority Emergency Declaration Resolution of 2022”.

Sec. 2. (a) The communities east of the Anacostia River, including the areas along the East Capitol Street corridor, are underserved by retail options, particularly access to healthy food options.

(b) The collection of parcels known as East Capitol Gateway represents an ongoing opportunity to provide much needed commercial and retail activity to an underserved community.

(c) The parcels are controlled by CG Marketplace LLC, which is owned in equal shares by a subsidiary of the District of Columbia Housing Authority and A&R/THC Marketplace, LLC, a private developer (“Joint Venture”). The Joint Venture has made no effort to continue to develop the parcels and has explicitly stated the parcels were being converted to “long-term inactivity”.

(d) Due to the length of the existing ground lease, these parcels could remain undeveloped for a generation, exacerbating the inequitable lack of retail options for residents of this part of the District, specifically Ward 7.

(e) The parcels, once developed, will further many important public purposes, including the removal of unsafe and unsanitary conditions, reduction of the incidence of crime, and the removal of garbage and other eyesores.

(f) The parcels, once developed, will expand economic opportunities for residents of Ward 7 and their neighbors in Wards 5, 6, and 8, including much needed job opportunities.

(g) Once developed, the parcels will further aid in reducing food insecurity in an underserved neighborhood and provide revitalization in an economically distressed community.

**ENROLLED ORIGINAL**

(h) Given the lack of effort on the part of the Joint Venture, it is highly unlikely that the parcels will be developed absent the involvement of the District government and without the Mayor's authority to exercise eminent domain.

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 East Capitol Gateway Eminent Domain Authority Emergency Act of 2022 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>.

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**COUNCIL OF THE DISTRICT OF COLUMBIA**

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**PROPOSED LEGISLATION**

B24-0619     DC ACHIEVES Establishment Act of 2022

Intro. 01-26-2022 by Councilmembers Henderson, Cheh, McDuffie, Bonds, Nadeau, Pinto, and R. White and referred to the Committee of the Whole

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B24-0620     Juneteenth History and Planning Commission Establishment Act of 2022

Intro. 01-26-2022 by Councilmembers Allen, Henderson, Gray, Lewis George, Bonds, Pinto, Silverman, R. White, Nadeau, McDuffie, T. White, Cheh, and Chairman Mendelson and referred to the Committee on Housing and Executive Administration

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B24-0643     East Capitol Gateway Eminent Domain Authority Act of 2022

Intro. 01-27-2022 by Chairman Mendelson and referred to the Committee on Business and Economic Development

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B24-0644     FAFSA Support for High School Youth in Care Act of 2022

Intro. 01-27-2022 by Councilmember T. White and referred sequentially to the Committee on Human Services, and Committee of the Whole

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B24-0645 Student Mental and Behavioral Health School Absence Act of 2022

Intro. 01-27-2022 by Councilmember T. White and referred to the Committee of the Whole

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B24-0646 Career and Technical Education Transportation Support Act of 2022

Intro. 01-27-2022 by Councilmember T. White and referred to the Committee of the Whole

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B24-0647 Clarence J. Venable Violence Intervention and Prevention Workers Protection Act of 2022

Intro. 01-28-2022 by Councilmember T. White and referred to the Committee on Judiciary and Public Safety

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B24-0648 School Psychologist Licensing Clarification Amendment Act of 2022

Intro. 01-28-2022 by Councilmembers Henderson, McDuffie, Allen, Nadeau, Lewis George, Silverman, and Chairman Mendelson and referred to the Committee on Health with comments from the Committee of the Whole

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B24-0649 Elimination of Discrimination Against Women Amendment Act of 2022

Intro. 01-28-2022 by Councilmembers R. White, Allen, Nadeau, Pinto, Lewis George, Cheh, McDuffie, and T. White and referred sequentially to the Committee on Government Operations and Facilities, and Committee on Housing and Executive Administration

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B24-0653 Period Equity Righting an Injustice of District Residents Act of 2022

Intro. 02-02-2022 by Councilmembers Pinto, Bonds, Allen, Lewis George, R. White, McDuffie, T. White, Gray, Nadeau, Henderson, Cheh, and Silverman and referred to the Committee on Housing and Executive Administration

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PR24-0555 Lee Montessori Public Charter School Revenue Bonds Project Approval Resolution of 2022

Intro. 01-21-2022 by Chairman Mendelson and referred to the Committee on Business and Economic Development

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PR24-0557 Zoning Commission Anthony Hood Confirmation Resolution of 2022

Intro. 01-21-2022 by Chairman Mendelson and referred to the Committee of the Whole

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PR24-0576 Board of Zoning Adjustment Lorna John Confirmation Resolution of 2022

Intro. 01-31-2022 by Chairman Mendelson and referred to the Committee of the Whole

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PR24-0578 Public Charter School Board Nick Rodriguez Confirmation Resolution of 2022

Intro. 02-01-2022 by Chairman Mendelson and referred to the Committee of the Whole

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PR24-0579 Public Charter School Board Shukurat Adamoh-Faniyan Confirmation Resolution of 2022

Intro. 02-01-2022 by Chairman Mendelson and referred to the Committee of the Whole

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PR24-0580 Public Charter School Board Shantelle Wright Confirmation Resolution of 2022

Intro. 02-01-2022 by Chairman Mendelson and referred to the Committee of the Whole

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

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

**ANNOUNCES A PUBLIC HEARING ON**

**B24-0515, the “Law Enforcement Career Opportunities for District Residents  
Expansion Amendment Act of 2021”**

**and**

**B24-0561, the “Homeland Security Fusion Center and Law Enforcement  
Authority Amendment Act of 2021”**

**Monday, March 14, 2022, 9:30 a.m. – 12:30 p.m.**

**Virtual Hearing via Zoom**

**To Watch Live:**

**<https://www.facebook.com/CMcharlesallen/>**

On Monday, March 14, 2022, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 24-0515, the “Law Enforcement Career Opportunities for District Residents Expansion Amendment Act of 2021”, and Bill 24-0561, the “Homeland Security Fusion Center and Law Enforcement Authority Amendment Act of 2021.” The hearing will be conducted virtually via Zoom from 9:30 a.m. to no later than 12:30 p.m.

The stated purpose of B24-0515, the “Law Enforcement Career Opportunities for District Residents Expansion Amendment Act of 2021”, is to amend the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982 to remove the requirement that cadets graduate from District of Columbia high schools in order to qualify for the Metropolitan Police Department’s cadet program.

The stated purpose of B24-0561, the “Homeland Security Fusion Center and Law Enforcement Authority Amendment Act of 2021”, is to amend An Act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, to formalize the establishment of the District’s intelligence fusion center within the Homeland Security and

Emergency Management Agency, to set forth the primary mission of the fusion center, and to designate the fusion center as a law enforcement unit for the purpose of carrying out its mission.

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

- Anyone wishing to provide oral testimony must email the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) with their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Monday, March 7, 2022.**
- The Committee will approve witnesses' registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses' testimony.
- Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of their testimony electronically in advance to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the hearing. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the hearing may not be fulfilled.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be emailed to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) **no later than the close of business on Friday, March 25, 2022.**

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

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**NOTICE OF PUBLIC HEARING ON**

**B24-565 - Safe Routes to School Expansion Regulation Amendment Act of 2021**

**and**

**B24-566 - Walk Without Worry Amendment Act of 2021**

Monday, March 14, 2022, at 12:00 PM

Councilmember Cheh's Facebook Page ([facebook.com/cmmarycheh](https://www.facebook.com/cmmarycheh))

DC Council Website (<https://dccouncil.us/>)

Council Channel 13 (Cable Television Providers)

Office of Cable Television Website ([entertainment.dc.gov](https://entertainment.dc.gov))

On Monday, March 14, 2022, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a hearing on Bill 24-565 - Safe Routes to School Expansion Regulation Amendment Act of 2021 and Bill 224-566 - Walk Without Worry Amendment Act of 2021. The hearing will begin at 12:00 PM and be broadcast live on DC Council Channel 13 and streamed live at [www.dccouncil.us](https://www.dccouncil.us), [facebook.com/cmmarycheh](https://www.facebook.com/cmmarycheh), and [entertainment.dc.gov](https://entertainment.dc.gov).

Bill 24-565 would require the Department of Transportation (DDOT) to install safety measures near schools, including: traffic signals, all-way stops, raised crosswalks, curb extensions, crosswalk warning pylons, flashing pedestrian signs, and speed humps, and would prohibit parking within a school's designated pick-up or drop-off zone. Additionally, the bill expands school zones to cover 150 yards around a school facility and extends the reduced speed limit in school zones to seven days a week. The bill would require an Automated Traffic Enforcement camera within each school zone with the revenue from school zone citations to be reinvested directly into funding school traffic safety infrastructure improvements.

Bill 24-566 would require DDOT to develop design and engineering standards for continuous sidewalks, raised crosswalks, and raised intersections. The bill would specify circumstances where continuous sidewalk, raised crosswalks and raised intersection must be installed, and would incorporate their construction into contracts for paving or resurfacing of streets and sidewalks, as part of DDOT's annual paving plan.

Due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus, the Council has adapted the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gatherings, and other public health and safety requirements. Therefore, this public roundtable will be held remotely through the Zoom teleconferencing platform.



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

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The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at least 24 hours prior to the start of the hearing at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us); witnesses will receive information on how to join the hearing at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing, which is March 7, 2022. We will make every effort to fulfill timely requests; however, requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record; testimony may be submitted to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). The public may also leave voicemail testimony for the Committees by calling (202) 350-1344, which will be transcribed and made part of the hearing record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the bill, hearing, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other personal contact information in voicemail testimony.

The record will close at the end of the business day on March 28, 2022.

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

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

**Implementation of Law 23-269, the Department of Buildings Establishment Act of 2020**

on

**Wednesday, February 16, 2022, 2:00 p.m.**

**Live via Zoom Video Conference Broadcast  
Chairman's Website ([www.chairmanmendelson.com/live](http://www.chairmanmendelson.com/live))**

Council Chairman Phil Mendelson announces the scheduling of a public oversight roundtable of the Committee of the Whole on the implementation of Law 23-269, the Department of Buildings Establishment Act of 2020. The roundtable will be held on **Wednesday, February 16, 2022, 2:00 p.m. via Zoom Video Broadcast.**

D.C. Law 23-269, applicable as of October 2021, establishes the Department of Buildings, an agency that will have oversight of construction compliance, rental housing safety, and residential property maintenance activities in the District. The agency will be headed by a Director, with a Chief Building Official, Strategic Enforcement Administrator, and Zoning Administrator serving as division directors. The existing Department of Consumer and Regulatory Affairs will be redesignated as the Department of Licensing and Consumer Protection. The law requires the Executive to submit implementation and transition reports 60, 120, 180, and 365 days after the applicable date of the law. This roundtable will address the proposed organizational plan, strategic human capital plan, and communications strategy required by the law and submitted by the Executive.

Those who wish to testify must register at <http://www.ChairmanMendelson.com/testify> by **5:00 p.m. on Monday, February 14, 2022. Testimony is limited to four minutes; less time will be allowed if there are a large number of witnesses.** Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible. We will make every effort to fulfill timely requests, although alternatives may be offered. If you have additional questions, please contact Destiny Riley, Committee Assistant, at (202) 724-8196.

The roundtable will be conducted virtually on the Internet utilizing Zoom video conference technology. Testimony should be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) in advance of the roundtable. Written testimony will be posted publicly to <http://www.chairmanmendelson.com/testimony>. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted to [cow@dccouncil.us](mailto:cow@dccouncil.us) or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00pm on Tuesday, March 1, 2022.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
EXCEPTED SERVICE APPOINTMENTS AS OF JANUARY 31, 2022**

**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

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

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Olson, Morgen	Legislative Aide	2	Excepted Service - Reg Appt
Foster, Asantewa	Special Assistant	5	Excepted Service - Reg Appt
Cruz Heredia, Aura	Constituent Services Coordinator	3	Excepted Service - Reg Appt
Smith, Kaira	Budget Analyst	5	Excepted Service - Reg Appt
Hodges, Samuel	Budget Analyst	6	Excepted Service - Reg Appt
Buchanan, Marketta	Legislative Clerk	1	Excepted Service - Reg Appt
Eisenlohr, Andrew	Deputy Budget Director	8	Excepted Service - Reg Appt

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

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

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

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

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**GBM 24-0078**                      **FY 2022 Grant Budget Modifications as of January 18, 2022**

RECEIVED: 14-day review begins February 2, 2022

**GBM 24-0079**                      **FY 2022 Grant Budget Modifications as of January 20, 2022**

RECEIVED: 14-day review begins February 2, 2022

**GBM 24-0080**                      **FY 2022 Grant Budget Modifications as of January 21, 2022**

RECEIVED: 14-day review begins February 2, 2022

**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, and Room 5 Washington, D.C. 20004. Copies of reprogramming's are available in Legislative Services, Room 10.  
Telephone: 724-8050

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**Reprog. 24-0066:** Request to reprogram \$1,890,000.00 Fiscal Year 2022 capital budget within the Department of General Services was filed in the Office of the Secretary on February 7, 2022. This reprogramming is needed to support the cost of the 6th floor construction in the Marion S. Barry, Jr. Building as part of the Daly/MPD Building Swing capital project.

RECEIVED: 14-day review begins February 8, 2022

**Reprog. 24-0067:** Request to reprogram \$24,840,909.36 of Fiscal Year 2022 Local budget authority within the Department of Behavioral Health was filed in the Office of the Secretary on February 7, 2022. This reprogramming is needed to provide an array of services including substance use disorder treatment services, services for the Sobering and Stabilization Center program, the Healthy Futures program, Comprehensive Psychiatric Emergency Program expansion, and Metropolitan Police Department Crisis Response Training.

RECEIVED: 14-day review begins February 8, 2022

**Reprog. 24-0068:** Request to reprogram \$750,000.00 of Fiscal Year 2022 Local Funds within the Deputy Mayor for Planning & Economic Development (EB0) was filed in the Office of the Secretary on February 7, 2022. This reprogramming is needed to support contractual services for the New Communities Initiative.

RECEIVED: 14-day review begins February 8, 2022



## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: February 11, 2022  
Protest Petition Deadline: March 28, 2022  
Roll Call Hearing Date: April 18, 2022  
Protest Hearing Date: June 15, 2022

License No.: ABRA-120487  
Licensee: Bindaas Bowls and Rolls LLC  
Trade Name: Bindaas Bowls and Rolls  
License Class: Retailer's Class "C" Restaurant  
Address: 415 7<sup>th</sup> Street, N.W.  
Contact: Sidon Yohannes, Esq.: (202) 686-7600,  
syohannes@theveritaslawfirm.com

WARD 2

ANC 2C

SMD 2C03

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 18, 2022 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **June 15, 2022 at 4:30 p.m.**

**NATURE OF OPERATION**

A Restaurant serving Indian food with 40 seats and a Total Occupancy load of 42.

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

Sunday through Saturday 11am – 12am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: February 11, 2022  
Protest Petition Deadline: March 28, 2022  
Roll Call Hearing Date: April 18, 2022  
Protest Hearing Date: June 15, 2022

License No.: ABRA-119955  
Licensee: ExPat 2000, LLC  
Trade Name: ExPat  
License Class: Retailer's Class "C" Tavern  
Address: 2000 Pennsylvania Avenue, N.W.  
Contact: Ben Sislen: (202) 436-4595 [bensislen@gmail.com](mailto:bensislen@gmail.com)

WARD 2

ANC 2A

SMD 2A08

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 18, 2022 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to [abra.legal@dc.gov](mailto:abra.legal@dc.gov) on or before the Petition deadline. The **Protest Hearing date** is scheduled on **June 15, 2022 at 1:30 p.m.**

**NATURE OF OPERATION**

New Retailer's Class "C" Tavern serving American Southern cuisine. Seating Capacity of 188, Total Occupancy Load of 399, and a Sidewalk Café with 10 seats. The licensee is also requesting an Entertainment Endorsement with Dancing and Cover Charge to provide live entertainment inside and in the Sidewalk Café. The licensee is requesting a Sports Wagering endorsement to include 5 betting kiosks, and a Games of Skill endorsement to offer the electronic game Dragon's Ascent at 5 game kiosks.

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

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

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: February 4, 2022  
Protest Petition Deadline: April 11, 2022  
Roll Call Hearing Date: May 2, 2022  
Protest Hearing Date: June 29, 2022

License No.: ABRA-120355  
Licensee: Rehoboth, LLC  
Trade Name: KW Store  
License Class: Retailer's Class "B" 15% Beer and Wine Store  
Address: 3133 Connecticut Avenue, N.W., Unit #301A  
Contact: Jeff Jackson: (202) 251-1566, jjharlem112@gmail.com

WARD 3

ANC 3C

SMD 3C01

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 2, 2022, at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **June 29, 2022, at 4:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class B (15%) beer and wine store license located entirely inside of an apartment building.

**HOURS OF OPERATION**

Sunday through Saturday 8am – 9pm

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9am – 9pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: February 11, 2022  
Protest Petition Deadline: March 28, 2022  
Roll Call Hearing Date: April 18, 2022  
Protest Hearing Date: June 15, 2022

License No.: ABRA-119579  
Licensee: Amazon Retail, LLC  
Trade Name: TBD  
License Class: Retailer's Class "B" Full-Service Grocery  
Address: 1350 Connecticut Avenue, N.W.  
Contact: Sidon Yohannes, Esq.: (202) 686-7600,  
[syohannes@theveritaslawfirm.com](mailto:syohannes@theveritaslawfirm.com)

WARD 2

ANC 2B

SMD 2B07

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 18, 2022, at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to [abra.legal@dc.gov](mailto:abra.legal@dc.gov) on or before the Petition deadline. The **Protest Hearing date** is scheduled on **June 15, 2022, at 1:30 p.m.**

**NATURE OF OPERATION**

A new B Full-Service Grocery Store, to include a Tasting Endorsement.

**HOURS OF OPERATION**

Sunday through Saturday 7am – 12am

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 8am – 12am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: February 11, 2022  
Protest Petition Deadline: March 28, 2022  
Roll Call Hearing Date: April 18, 2022  
Protest Hearing Date: June 15, 2022

License No.: ABRA-119995  
Licensee: Space 8, LLC  
Trade Name: TBD  
License Class: Retailer's Class "C" Tavern  
Address: 2000 Pennsylvania Avenue, N.W.  
Contact: Ben Sislen: (202) 436-4595 [bensislen@gmail.com](mailto:bensislen@gmail.com)

WARD 2

ANC 2A

SMD 2A08

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 18, 2022 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to [abra.legal@dc.gov](mailto:abra.legal@dc.gov) on or before the Petition deadline. The **Protest Hearing date** is scheduled on **June 15, 2022 at 4:30 p.m.**

**NATURE OF OPERATION**

New Retailer's Class "C" Tavern serving tacos, salads, and nachos. Seating Capacity of 100, Total Occupancy Load of 200, and a Summer Garden with 50 seats. The licensee is also requesting an Entertainment Endorsement with Dancing and Cover Charge to provide live entertainment inside and in the Summer Garden.

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

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

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: January 28, 2022  
Protest Petition Deadline: April 4, 2022  
Roll Call Hearing Date: April 25, 2022  
Protest Hearing Date: June 29, 2022

License No.: ABRA-120254  
Licensee: Trinity Grill & Social Marketplace, LLC  
Trade Name: Trinity Social DC  
License Class: Retailer's Class "B"  
Address: 200 Michigan Avenue, N.E.  
Contact: Jeff Jackson: (202) 251-1566, [jjharlem112@gmail.com](mailto:jjharlem112@gmail.com)

WARD 5

ANC 5A

SMD 5A05

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 25, 2022 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to [abra.legal@dc.gov](mailto:abra.legal@dc.gov) on or before the Petition deadline. The **Protest Hearing date** is scheduled on **June 29, 2022 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class "B" store selling beer and wine for off-premises consumption.

**HOURS OF OPERATION**

Sunday through Thursday 6am – 11pm, Friday and Saturday 6am – 12am

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am



**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC HEARING NOTICE  
WEDNESDAY, MARCH 16, 2022  
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**

<b>Application of:</b>	<b>Irvin and Kathy Shappell</b>
<b>Case No.:</b>	<b>20626</b>
<b>Address:</b>	139 D Street S.E. (Square 734, Lot 836)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the lot occupancy requirements of Subtitle E § 504.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct two, second story additions to an existing, attached, two-story with cellar, principal dwelling unit, in the RF-3 Zone.

**WARD THREE**

<b>Application of:</b>	<b>WISCO WALLY, LLC</b>
<b>Case No.:</b>	<b>20644</b>
<b>Address:</b>	3427 Wisconsin Avenue N.W. (Square 1913, Lots 8 and 9)
<b>ANC:</b>	<b>3C</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the matter of right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a new, detached, three-story with penthouse and cellar, 20-unit multiple dwelling building in the RA-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE

MARCH 16, 2022

PAGE NO. 2

**WARD FIVE**

<b>Application of:</b>	<b>824 Taylor Street NE. LLC</b>
<b>Case No.:</b>	<b>20648</b>
<b>Address:</b>	824 Taylor Street N.E. (Square 3814, Lot 55)
<b>ANC:</b>	<b>5A</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a third with roof deck addition, and add four additional residential units, to an existing, semi-detached, two-story with cellar, 4-unit apartment house in the RA-1 Zone.

**WARD ONE**

<b>Application of:</b>	<b>Nancy and Vimesh Patel</b>
<b>Case No.:</b>	<b>20663</b>
<b>Address:</b>	1656 Hobart Street N.W. (Square 2591, Lot 778)
<b>ANC:</b>	<b>1D</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li><li>the accessory building rear yard requirements of Subtitle E § 5004.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul> Area Variance from: <ul style="list-style-type: none"><li>the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle X § 1002)</li></ul>
<b>Project:</b>	To construct a rear addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 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.

## REVISED BZA PUBLIC HEARING NOTICE

MARCH 16, 2022

PAGE NO. 3

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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

**Do you need assistance to participate?**

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

**Do you need assistance to participate?**Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

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

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

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

REVISED BZA PUBLIC HEARING NOTICE

MARCH 16, 2022

PAGE NO. 4

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

Vietnamese

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

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

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

**FREDERICK L. HILL, CHAIRPERSON  
LORNA L. JOHN, VICE-CHAIRPERSON**

**CARL BLAKE, 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, MARCH 23, 2022**  
**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**

<b>Application of:</b>	<b>Paul Davidson</b>
<b>Case No.:</b>	<b>20646</b>
<b>Address:</b>	931 5 <sup>th</sup> Street N.E. (Square 831, Lot 45)
<b>ANC:</b>	<b>6C</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the penthouse requirements of Subtitle C § 1500.3 (pursuant to Subtitle C § 1500.4 and Subtitle X § 901.2)</li><li>• the penthouse setback requirements of Subtitle C § 1502.1 (pursuant to Subtitles C § 1504.1 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a third story, rear addition, and penthouse, to an existing, attached, two-story principal dwelling unit, in the RF-1 Zone.

**WARD SEVEN**

<b>Application of:</b>	<b>1345 Madison Street NW, LLC</b>
<b>Case No.:</b>	<b>20647</b>
<b>Address:</b>	1436 Eastern Avenue N.E. (Square 5171, Lot 19)
<b>ANC:</b>	<b>7C</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>• the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a three-story rear addition, and add three additional residential units, to an existing, attached, two-story flat in the RA-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE  
MARCH 23, 2022  
PAGE NO. 2

**WARD SIX**

<b>Application of:</b>	<b>Arie Albright and Shannon Blair</b>
<b>Case No.:</b>	<b>20651</b>
<b>Address:</b>	628 9 <sup>th</sup> Street N.E. (Square 913, Lot 842)
<b>ANC:</b>	<b>6A</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul> Area Variance from: <ul style="list-style-type: none"><li>the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle X § 1002)</li></ul>
<b>Project:</b>	To construct a two-story rear deck addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 Zone.

**WARD SIX**

<b>Application of:</b>	<b>Chelsea O. Blake and Kevin K. Blake</b>
<b>Case No.:</b>	<b>20652</b>
<b>Address:</b>	909 Kent Place N.E. (Square 931, Lot 19)
<b>ANC:</b>	<b>6A</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a one-story rear addition, to an existing, attached, two-story with basement, principal dwelling unit, in the RF-1 Zone.



REVISED BZA PUBLIC HEARING NOTICE

MARCH 23, 2022

PAGE NO. 3

**WARD SIX**

<b>Application of:</b>	<b>Bradley R. and Margaret S. Gentile</b>
<b>Case No.:</b>	<b>20653</b>
<b>Address:</b>	1500 D Street S.E. (Square 1074, Lot 40)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the lot occupancy requirements of Subtitle G § 404.1 (pursuant to Subtitles G §§ 409.1 and 1201; and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle G § 405.2 (pursuant to Subtitles G §§ 409.1 and 1201; and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a second-story rear addition, to an existing, semi-detached, two-story principal dwelling unit in the MU-4 Zone.

**WARD SEVEN**

<b>Appeal of:</b>	<b>4721 Sheriff Road NE. LLC</b>
<b>Appeal No.:</b>	<b>20654</b>
<b>Address:</b>	4719 Sheriff Road N.E. (Square 5151, Lot 144)
<b>ANC:</b>	<b>7C</b>
<b>Relief:</b>	Appeal pursuant to: <ul style="list-style-type: none"><li>• The provisions of Subtitle X § 1100</li></ul>
<b>Appeal from:</b>	The determination made on September 15, 2021 by the Zoning Administrator, Department of Consumer and Regulatory Affairs.

REVISED BZA PUBLIC HEARING NOTICE  
MARCH 23, 2022  
PAGE NO. 4

**WARD ONE**

<b>Application of:</b>	1650 Harvard St NW Washington DC LLC
<b>Case No.:</b>	20658
<b>Address:</b>	1650 Harvard St N.W. (Square 2589, Lot 847)
<b>ANC:</b>	1C
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>the penthouse setback requirements of Subtitle C § 1502.1 (pursuant to Subtitles C § 1504.1 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To expand the existing penthouse of a detached, seven-story, multi-unit residential building, in the RA-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.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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**Do you need assistance to participate?**

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

**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

REVISED BZA PUBLIC HEARING NOTICE  
MARCH 23, 2022  
PAGE NO. 5

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗？

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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Vietnamese

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**FREDERICK L. HILL, CHAIRPERSON**  
**LORNA L. JOHN, VICE-CHAIRPERSON**  
**CARL BLAKE, MEMBER**  
**CHRISHAUN SMITH, MEMBER,**  
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**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, MARCH 30, 2022**  
**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 FIVE**

<b>Application of:</b>	<b>20<sup>th</sup> and Channing NE, LLC</b>
<b>Case No.:</b>	<b>20655</b>
<b>Address:</b>	2425 20 <sup>th</sup> Street N.E. (Square 4110, Lot 17)
<b>ANC:</b>	<b>5C</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a new, detached, three-story with cellar and penthouse, 24-unit apartment house in the RA-1 Zone.

**WARD TWO**

<b>Appeal of:</b>	<b>Dupont East Civic Action Association</b>
<b>Appeal No.:</b>	<b>20656</b>
<b>Address:</b>	1732 15 <sup>th</sup> Street N.W. (Square 192, Lots 108, 110 and 111)
<b>ANC:</b>	<b>2B</b>
<b>Relief:</b>	Appeal pursuant to: <ul style="list-style-type: none"><li>The provisions of Subtitle X § 1100</li></ul>
<b>Appeal from:</b>	The decision made on October 27, 2021 by the Zoning Administrator, Department of Consumer and Regulatory Affairs to issue Building Permit No.: B1907507

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### WARD THREE

<b>Application of:</b>	<b>Laurie and Adam Sieminski</b>
<b>Case No.:</b>	<b>20657</b>
<b>Address:</b>	2930 Brandywine Street N.W. (Square 2255, Lot 3)
<b>ANC:</b>	<b>3F</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>the vehicle parking space location restrictions of Subtitle C § 710.2(b)(2) (pursuant to Subtitle C § 710.3 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To permit a nonconforming parking space within the front yard of a detached, two-story principal dwelling unit, in the R-8 Zone.

#### **PLEASE NOTE:**

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

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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

#### **Do you need assistance to participate?**

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

#### **Do you need assistance to participate?**

##### Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

REVISED BZA PUBLIC HEARING NOTICE  
MARCH 30, 2022  
PAGE NO. 3

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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French

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Korean

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

Spanish

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Vietnamese

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**BOARD OF ZONING ADJUSTMENT**  
**REVISED PUBLIC HEARING NOTICE**  
**WEDNESDAY, APRIL 6, 2022**  
**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**

<b>Appeal of:</b>	<b>Advisory Neighborhood Commission 6B</b>
<b>Appeal No.:</b>	<b>20549</b>
<b>Address:</b>	1323 E Street S.E. (Square 1043, Lot 166)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Appeal pursuant to: <ul style="list-style-type: none"><li>• The provisions of Subtitle X § 1100</li></ul>
<b>Appeal from:</b>	The decision made on May 5, 2021 by the Zoning Administrator, Department of Consumer and Regulatory Affairs to issue building permit B2103902, to permit a renovation with an existing structure in the PDR-1 Zone.

**WARD SEVEN**

<b>Application of:</b>	<b>Equity Trust Company, Custodian fbo Richard Leavy IRA</b>
<b>Case No.:</b>	<b>20645</b>
<b>Address:</b>	212 57th Place N.E. (Square 5248, Lot 23)
<b>ANC:</b>	<b>7C</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the side yard requirements of Subtitle D § 206.3 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li><li>• the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a new, three-story semi-detached, principal dwelling unit in the R-2 Zone.

REVISED BZA PUBLIC HEARING NOTICE

APRIL 6, 2022

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**WARD ONE**

<b>Application of:</b>	<b>Tim Geishecker and Andres Consuegra</b>
<b>Case No.:</b>	<b>20649</b>
<b>Address:</b>	2316 20 <sup>th</sup> Street N.W. (Square 2540, Lot 284)
<b>ANC:</b>	<b>1C</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the lot occupancy requirements of Subtitle F § 304.1 (pursuant to Subtitle F § 5201 and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle F § 305.1 (pursuant to Subtitles F § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear, three-story deck and cellar level addition, to an existing, attached, three-story with cellar, principal dwelling unit, in the RA-2 Zone.

**WARD ONE**

<b>Application of:</b>	<b>1238 Harvard Street, LLC</b>
<b>Case No.:</b>	<b>20660</b>
<b>Address:</b>	1238 Harvard Street N.W. (Square 2856, Lot 137)
<b>ANC:</b>	<b>1B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the matter-of-right uses of Subtitle U § 301 (pursuant to Subtitle U § 320.2 and Subtitle X § 901.2)</li><li>• the building height requirements of Subtitle E § 303.1 (pursuant to Subtitle E § 5203; and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a third story addition, and to convert to a 3 unit apartment house, an existing, semi-detached, three-story with cellar, principal dwelling unit, in the RF-1 Zone.

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**WARD THREE**

<b>Application of:</b>	<b>Valerie and Nicholas Alten</b>
<b>Case No.:</b>	<b>20661</b>
<b>Address:</b>	4511 Chesapeake Street N.W. (Square 1570, Lot 30)
<b>ANC:</b>	<b>3E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the accessory building area requirements of Subtitle D § 5003.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear, detached, two-story garage with accessory dwelling unit, to an existing, detached, two-story with basement, principal dwelling unit, in the R-1-B Zone.

**WARD FIVE**

<b>Application of:</b>	<b>Michelle Browne</b>
<b>Case No.:</b>	<b>20662</b>
<b>Address:</b>	3617 18 <sup>th</sup> Street N.E. (Square 4202, Lot 198)
<b>ANC:</b>	<b>5B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 203.1(a) and Subtitle X § 901.2)</li><li>the accessory apartment minimum gross floor area requirements of Subtitle U § 253.7(a) (pursuant to Subtitle U § 203.1(a) and Subtitle X § 901.2)</li><li>the accessory apartment entrance requirements of Subtitle U § 253.7(c) (pursuant to Subtitle U § 203.1(a) and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To permit an accessory apartment in an attached, two-story with basement, principal dwelling unit, in the R-1-B Zone.

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APRIL 6, 2022

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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.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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**Do you need assistance to participate?**

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**Do you need assistance to participate?**Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

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

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Chinese

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French

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Korean

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Spanish

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REVISED BZA PUBLIC HEARING NOTICE

APRIL 6, 2022

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Vietnamese

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

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**LORNA L. JOHN, VICE-CHAIRPERSON**  
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**BOARD OF ZONING ADJUSTMENT**  
**REVISED PUBLIC HEARING NOTICE**  
**WEDNESDAY, APRIL 13, 2022**  
**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 SEVEN**

<b>Appeal of:</b>	4721 Sheriff Road NE. LLC
<b>Appeal No.:</b>	20654
<b>Address:</b>	4719 Sheriff Road N.E. (Square 5151, Lot 144)
<b>ANC:</b>	7C
<b>Relief:</b>	Appeal pursuant to: <ul style="list-style-type: none"><li>• The provisions of Subtitle X § 1100</li></ul>
<b>Appeal from:</b>	The determination made on September 15, 2021 by the Zoning Administrator, Department of Consumer and Regulatory Affairs.

**WARD FIVE**

<b>Application of:</b>	701 Quincy St NE, LLC
<b>Case No.:</b>	20664
<b>Address:</b>	701 Quincy Street N.E. (Square 3820, Lot 1)
<b>ANC:</b>	5B
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>• the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct two additional residential units, to an existing, semi-detached, two-story with cellar, four-unit apartment house, in the RA-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE

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**WARD EIGHT**

<b>Application of:</b>	<b>Howard Road Community Partners, LLC</b>
<b>Case No.:</b>	<b>20665</b>
<b>Address:</b>	Howard Road S.E. (Square 5860, Lots 839, 897, 906, 908, 948, 952, 1034 and 1035)
<b>ANC:</b>	<b>8A</b>
<b>Relief:</b>	<p>Special Exceptions from:</p> <ul style="list-style-type: none"><li>• the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li><li>• the subdivision regulations of Subtitle C § 302.1 (pursuant to Subtitle C § 305.1 and Subtitle X § 901.2)</li><li>• the lot area requirements of Subtitle F § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul> <p>Area Variances from:</p> <ul style="list-style-type: none"><li>• the theoretical subdivision requirements of Subtitle C § 305.3(a) (pursuant to Subtitle X § 1002)</li><li>• the maximum floor area ratio requirements of Subtitle F § 302.3 (pursuant to Subtitle X § 1002)</li><li>• the lot occupancy requirements of Subtitle F § 304.1 (pursuant to Subtitle X § 1002)</li><li>• the minimum rear yard requirements of Subtitle F § 305.1 (pursuant to Subtitle X § 1002)</li></ul>
<b>Project:</b>	To construct 16 new, three-story row dwellings in the RA-1 Zone.

**WARD FOUR**

<b>Application of:</b>	<b>Samuel C. Medvene</b>
<b>Case No.:</b>	<b>20667</b>
<b>Address:</b>	826 Varnum Street N.W. (Square 3024, Lot 49)
<b>ANC:</b>	<b>4C</b>
<b>Relief:</b>	<p>Special Exception from:</p> <ul style="list-style-type: none"><li>• the matter-of-right of Subtitle U § 301 (pursuant to Subtitle U § 320.2 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a third story and rear addition, and to convert to a three-unit apartment house, an existing, semi-detached, two-story with basement, principal dwelling unit, in the RF-1 Zone.



REVISED BZA PUBLIC HEARING NOTICE

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**WARD EIGHT**

<b>Application of:</b>	<b>DANEX, LLC</b>
<b>Case No.:</b>	<b>20668</b>
<b>Address:</b>	2838 Langston Place S.E. (Square 5741, Lot 137)
<b>ANC:</b>	<b>8B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle U § 421 and Subtitle X § 901.2)</li><li>• the minimum vehicle parking requirements of Subtitle C § 701.5 (pursuant to Subtitles C § 703.2 and Subtitle X § 901.2)</li><li>• the floor area ratio requirements of Subtitle F § 302.1 (pursuant to Subtitles F §§ 302.3 and 5206.1; and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a three-story, with cellar, 8-unit apartment house in the RA-1 Zone.

**WARD SIX**

<b>Application of:</b>	<b>Katherine Steel</b>
<b>Case No.:</b>	<b>20670</b>
<b>Address:</b>	344 14 <sup>th</sup> Street S.E. (Square 1061, Lot 71)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct third story and rear addition, to an existing, attached, two-story principal dwelling unit, in the RF-1 Zone.

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**WARD THREE**

<b>Application of:</b>	<b>Jeremy Kern and Rebecca Fitch</b>
<b>Case No.:</b>	<b>20671</b>
<b>Address:</b>	2309 38 <sup>th</sup> Street N.W. (Square 1301, Lot 671)
<b>ANC:</b>	<b>3B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle D § 306.1 (pursuant to Subtitles D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear deck addition, to an existing, semi-detached, two-story with basement, principal dwelling unit, in the R-3 Zone.

**WARD SEVEN**

<b>Application of:</b>	<b>Sarah Audelo</b>
<b>Case No.:</b>	<b>20672</b>
<b>Address:</b>	2210 30 <sup>th</sup> Street S.E. (Square 5652, Lot 830)
<b>ANC:</b>	<b>7B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the accessory apartment requirements of Subtitle U § 253.8(e) (pursuant to Subtitle U § 253.3, Subtitle U § 253.3(f), and Subtitle X § 901.2)</li><li>• the accessory building area requirements of Subtitle D § 5003.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a new, detached, two-story accessory apartment with roof deck, in the rear of an existing, detached, two-story with basement, principal dwelling unit, in the R-1-B Zone.

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**WARD THREE**

<b>Application of:</b>	<b>Karl Driessen</b>
<b>Case No.:</b>	<b>20673</b>
<b>Address:</b>	2940 Brandywine Street N.W. (Square 225, Lot 1)
<b>ANC:</b>	<b>3F</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the accessory apartment requirements of Subtitle U § 253.8(e) (pursuant to Subtitle U § 253.3, Subtitle U § 253.3(f), and Subtitle X § 901.2)</li><li>• the accessory building area requirements of Subtitle D § 5003.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a new, detached, two-story accessory apartment, in the rear of an existing, detached, two-story with basement, principal dwelling unit, in the R-8 Zone.

**WARD SIX**

<b>Application of:</b>	<b>Krzysztof Laski</b>
<b>Case No.:</b>	<b>20675</b>
<b>Address:</b>	1307 South Carolina S.E. (Square 1040, Lot 35)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>• the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear deck addition, to an existing, attached, three-story principal dwelling unit, in the RF-1 Zone.

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**WARD FIVE**

<b>Application of:</b>	<b>DMV Realty Investments, LLC</b>
<b>Case No.:</b>	<b>20680</b>
<b>Address:</b>	801 20 <sup>th</sup> Street N.E. (Square 4495, Lot 20)
<b>ANC:</b>	<b>5D</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a third story with a roof deck and rear addition, and convert to a three-unit apartment house, an existing story with roof deck and rear addition, to an existing, semi-detached, three-story with cellar, principal dwelling unit, in the RF-4 Zone.

**PLEASE NOTE:**

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

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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

**Do you need assistance to participate?**

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

**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕረዳታ ያስፈልግዎታል?

## REVISED BZA PUBLIC HEARING NOTICE

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

Chinese

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French

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Korean

참여하시는데 도움이 필요하세요?

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

Spanish

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

Vietnamese

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

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

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

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, APRIL 27, 2022  
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**

<b>Application of:</b>	<b>Hillsdale College</b>
<b>Case No.:</b>	<b>20567</b>
<b>Address:</b>	227 Massachusetts Avenue N.W. (Square 756, Lot 49)
<b>ANC:</b>	<b>6C</b>
<b>Relief:</b>	Area Variances from: <ul style="list-style-type: none"><li>the floor area ratio requirements of Subtitle G § 702.1 (pursuant to Subtitle G § 101.5 and Subtitle X § 1002)</li><li>the height requirements of Subtitle G § 703.1 (pursuant to Subtitle G § 101.5 and Subtitle X § 1002)</li></ul>
<b>Project:</b>	To construct a fourth story rear addition to an existing, attached, four-story, mixed-use building in the MU-26 Zone.

**WARD TWO**

<b>Appeal of:</b>	<b>Dupont East Civic Action Association</b>
<b>Appeal No.:</b>	<b>20656</b>
<b>Address:</b>	1732 15 <sup>th</sup> Street N.W. (Square 192, Lots 108, 110 and 111)
<b>ANC:</b>	<b>2B</b>
<b>Relief:</b>	Appeal pursuant to: <ul style="list-style-type: none"><li>The provisions of Subtitle X § 1100</li></ul>
<b>Appeal from:</b>	The decision made on October 27, 2021 by the Zoning Administrator, Department of Consumer and Regulatory Affairs to issue Building Permit No.: B1907507

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**WARD THREE**

<b>Application of:</b>	<b>Nexstar Media Group, Inc.</b>
<b>Case No.:</b>	<b>20686</b>
<b>Address:</b>	2121 Wisconsin Avenue N.W. (Square 1299, Lot 1026)
<b>ANC:</b>	<b>3B</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the roof mounted antenna requirements of Subtitle C § 1304.1 (pursuant to Subtitle C § 1304.2 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To replace two roof-mounted antennas on a four-story office and retail use in the MU-27 Zone.

**WARD TWO**

<b>Application of:</b>	<b>JL 3628 Whitehaven PKWY NW, LLC</b>
<b>Case No.:</b>	<b>20688</b>
<b>Address:</b>	3628 Whitehaven Parkway N.W. (Square 1296, Lot 367)
<b>ANC:</b>	<b>2E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the rear addition requirements of Subtitle D § 1206.3 (pursuant to Subtitles D §§ 1206.4 and 5201; and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a third story and rear addition with roof deck, to an existing, attached, two-story with basement, principal dwelling unit, in the R-20 Zone.



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**WARD FIVE**

<b>Application of:</b>	<b>Jessica Earhart</b>
<b>Case No.:</b>	<b>20691</b>
<b>Address:</b>	1274 Oates Street N.E. (Square 4060, Lot 48)
<b>ANC:</b>	<b>5D</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the side yard requirements of Subtitle E § 207.2 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li><li>• the lot occupancy of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear deck addition, to an existing, attached, two-story with cellar, principal dwelling unit, in the RF-1 Zone.

**WARD FOUR**

<b>Application of:</b>	<b>Amelia Browne</b>
<b>Case No.:</b>	<b>20692</b>
<b>Address:</b>	1359 Rittenhouse Street N.W. (Square 2789, Lot 116)
<b>ANC:</b>	<b>4A</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>• the rear yard requirements of Subtitle D § 306.2 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear deck addition, to an existing, attached, two-story principal dwelling unit, in the R-3 Zone.

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## WARD TWO

<b>Application of:</b>	<b>Taichi DC, LLC</b>
<b>Case No.:</b>	<b>20696</b>
<b>Address:</b>	1357 Wisconsin Avenue N.W. (Square 1243, Lot 70)
<b>ANC:</b>	<b>2E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>the matter of right uses of Subtitle U § 512 (pursuant to Subtitle U § 513.1(e) and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To permit a fast-food restaurant use on the first floor and basement of an existing, attached, three-story with basement, mixed-use building in the MU-4 Zone.

### PLEASE NOTE:

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

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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

### Do you need assistance to participate?

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

### Do you need assistance to participate?

#### Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

## BZA PUBLIC HEARING NOTICE

APRIL 27, 2022

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ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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French

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Korean

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Spanish

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Vietnamese

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

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

**TIME AND PLACE:** **Monday, March 21, 2022, @ 4:00 p.m.**  
**WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date**

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

**Z.C. Case No. 21-22 (Office of Attorney General - Text Amendment to Subtitle C, Chapter 7 (Parking Exemption for Affordable Housing))**

**THIS CASE IS OF INTEREST TO ALL ANCS**

**Oral and Written Testimony**

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/service/sign-testify> – see below: *How to participate as a witness – oral statements*. **On the day of the hearing**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On December 2, 2021, the Office of the Attorney General (“OAG” or “Petitioner”) filed a petition to the Zoning Commission (the “Commission”) proposing amendments to Subtitle C, General Rules - § 702.4 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified) to exempt affordable housing units reserved for households earning equal to or less than eight (80%) of the District’s median family income (MFI) from parking requirements and potentially create more affordable housing.

OP issued a January 3, 2022, set down report recommending that the Commission set the petition down for a public hearing. At its January 13, 2022 public meeting, the Commission voted to grant Petitioner’s request to set down the proposed text amendment for a public hearing.

The Commission also requested a proposal from Petitioner to expand the exemption from parking requirements to some market rate units in developments that provide Inclusionary Zoning (“IZ”) units beyond the minimum required (i.e., voluntary IZ units). In response, Petitioner provided the following proposal based on market-rate units in the same apartment house:

1. Exempt three (3) market-rate units from the parking requirements for each voluntary IZ unit provided;
2. Exempt six (6) market-rate units from the parking requirements for each voluntary IZ unit provided that has three (3) or more bedrooms; and

3. Exempt six (6) market-rate units from the parking requirements for each voluntary IZ unit provided that is reserved for households earning equal to or less than thirty percent (30%) of the MFI.

The Commission welcomes further feedback from the public regarding this proposal.

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

#### **PROPOSED TEXT AMENDMENT**

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

**Subsection 702.4 of § 702, EXEMPTIONS FROM MINIMUM VEHICLE PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended by adding new paragraphs (g) and (h), to read as follows:**

702.4 Vehicle parking shall not be required:

- (a) For a building containing a single principal dwelling unit or flat within ...
- (e) Within the MU-11 zone; ~~or~~
- (f) For structures erected on Kingman and Heritage Islands, for which the construction of parking spaces shall be prohibited except for handicap spaces;
- (g) For a dwelling unit reserved for households earning equal to or less than eighty percent (80%) of the MFI, whether:**
  - (1) An inclusionary unit;**
  - (2) A dwelling unit required by a land disposition agreement with the District; or**
  - (3) A dwelling unit, funded in whole or in part, by financial subsidies from the Federal or District Government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA).**

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

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

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

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

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**"Great weight" to written report of ANC**

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

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY,  
AND JOSEPH S. IMAMURA ----- ZONING COMMISSION FOR THE DISTRICT OF**

**COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF RESCHEDULED<sup>1</sup> VIRTUAL PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, April 21, 2022, @ 4:00 p.m.**  
**WebEx or Telephone – Instructions will be provided on the OZ Website by Noon of the Hearing Date**

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

**CASE NO. 21-27 (Chun Lam – Design Review @ Square 653, Lots 65, 66, 827, 829, & 830 [South Capitol Street, S.W.]**

**THIS CASE IS OF INTEREST TO ANC 6D**

**Oral and Written Testimony**

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/service/sign-testify> – see below: *How to participate as a witness – oral statements.*
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

Chun Lam (the “Applicant”) filed an application (the “Application”) on December 21, 2021, pursuant to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) requesting that the Zoning Commission for the District of Columbia (the “Commission”) grant relief for Lots 65, 66, 827, 829, and 830 in Square 653 (the “Property”). The Subject Property is currently comprised of five separate lots with a total of 7,131 square feet of land area. It is located in the CG-2 zone.

The Applicant submits this application pursuant to Subtitle K, § 512 of the District of Columbia Zoning Regulations, which requires Commission design review of properties with frontage on South Capitol Street. The Applicant also seeks flexibility pursuant to Subtitle X, § 603.1 for relief from the court requirements (under Subtitle K § 502.9).

The Property is located between the Buzzard Point and Navy Yard neighborhoods, directly west across South Capitol Street from Nationals Park. The Project provides significant housing opportunities in a growing area of the city. Additionally, the Project provides the retention of the façade of the existing row houses on the Property, as well as affordable housing opportunities.

The Applicant is proposing to combine the lots and construct a mixed-use building consisting of 49 residential units, as well as retail and office space, along S Capitol Street, S.W. and N Street, S.W. (the “Project”). The Project proposes approximately 3,500 square feet of retail space on the

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<sup>1</sup> This case was previously scheduled for February 28, 2022. To accommodate the ANC's schedule, a postponement request was made by the Applicant.

first floor, approximately 4,560 square feet of office space on the second floor, and approximately 49 residential units (41,785 square feet) on floors 3-10.

The Project will have:

- A floor area ratio (“FAR”) of 7.05;
- A maximum building height of 108.5 feet;
- Approximately 71.8% lot occupancy;
- Approximately 17 long-term and 4 short-term bicycle parking spaces; and
- No loading or parking spaces.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4.

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

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

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |                                     |                         |
|-------------------------------------|-------------------------|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition            | 60 minutes collectively |
| 3. Organizations                    | 5 minutes each          |
| 4. Individuals                      | 3 minutes each          |

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

### **How to participate as a witness - written statements**

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**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1. A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

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

**"Great weight" to written report of ANC**

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## 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 final rulemaking action to adopt amendments to Chapters 10 (Initiative and Referendum), 11 (Recall of Elected Officials), 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates), 15 (Candidate Nominations: Electors of President and Vice President of the United States), 16 (Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner), and 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these amendments is to place the regulations into conformity with the provisions of the "Initiative and Referendum Process Improvement Amendment Act of 2020," that establish electronic petition circulation.

A Notice of Emergency and Proposed Rulemaking with respect to this rulemaking was published in the *District of Columbia Register* on December 17, 2021 at 68 DCR 013682. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed.

The Board adopted these rules as final at a regular meeting on Wednesday, February 2, 2022. These final rules will become effective immediately upon publication of this notice in the *District of Columbia Register*.

**Chapter 10, INITIATIVE AND REFERENDUM, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1002, PETITION FORM, is amended as follows:**

**1002 PETITION FORM**

1002.1 The Board shall prepare and provide to the proposer at a public meeting an original petition form which shall contain the following:

- (a) Numbered lines designed so that each signer may personally affix the date signed and their signature, printed name, residence address (giving street and number) and election ward;

- (b) A statement requesting that the Board hold an election on the initiative or referendum measure contained in the petition, stating the measure's serial number and short title;
- (c) The text of the official summary and short title of the measure printed on the front of the petition sheet;
- (d) A warning statement declaring that only duly registered qualified electors of the District of Columbia may sign the petition;
- (e) Instructions advising signatories of the proper method of signing the petition as follows: EVERY PETITIONER MUST SIGN THEIR OWN NAME. UNDER NO CIRCUMSTANCES IS ANY PERSON PERMITTED TO SIGN ANOTHER PERSON'S NAME OR SIGN MORE THAN ONCE. PRINT YOUR NAME AND RESIDENCE ADDRESS IN FULL;
- (f) The words "PAID FOR BY" followed by the name and address of the payer or the committee or other person, and its treasurer on whose behalf the material appears, in the right hand corner of the front page; and
- (g) A circulator's affidavit, providing space for the circulator of a petition to record their name and address and the dates between which the signatures on the sheet were obtained. By signing the affidavit, the circulator swears under oath or affirms that:
  - (1) They are a qualified petition circulator;
  - (2) They were in the presence of each person who signed the petition at the time the petition was signed;
  - (3) According to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be.

1002.2 No petition sheets may be circulated prior to the Board's provision of the original petition form.

1002.3 A proposer shall be permitted to choose a paper and/or electronic petition form. Unless specified, the laws and rules concerning the circulation of petitions, including, but not limited to, the qualifications of circulators, the validity of signatures, and challenges to petitions, shall apply regardless of the format of the petition.

1002.4 If the proposer chooses a paper petition form, the proposer shall reproduce the petition form at their own expense. Each reproduced petition sheet shall be printed

in its entirety on paper of good writing quality of the same size as the original petition form prepared by the Board and shall be double-sided.

- 1002.5 Each circulator circulating an electronic petition shall register their device in-person at the Board's office. The circulator shall provide a unique and valid email address for account registration and device authentication. No circulator shall have a registered account for electronic petition circulation unless their device has been authenticated.

**Chapter 11, RECALL OF ELECTED OFFICIALS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Subsection 1102.5 of Section 1102, PETITION FORM, is amended as follows:**

- 1102.5 If the proposer chooses a paper petition form, the proposer shall reproduce the petition form at their own expense. Each reproduced petition sheet shall be printed in its entirety on paper of good writing quality of the same size as the original petition form prepared by the Board and shall be double-sided.

**Chapter 14, CANDIDATE NOMINATIONS: POLITICAL PARTY PRIMARIES FOR PRESIDENTIAL PREFERENCE AND CONVENTION DELEGATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1402, PETITION FORM, is amended as follows:**

**1402 PETITION FORM**

- 1402.1 A nominating petition form shall be separately prepared and issued by the Executive Director or their designee for each candidate for presidential nominee.
- 1402.2 The petition shall contain the following information:
- (a) The full name and state of residence of the candidate for presidential nominee, or if the petition is used to nominate an uncommitted delegation pursuant to party plan, the word "uncommitted" shall be placed on the petition in the space provided for the presidential candidate's name and state of residence;
  - (b) The name of the political party with which the candidate for presidential nominee, or uncommitted delegation, is affiliated;
  - (c) The name, address, voter registration number, and office sought by each candidate for convention delegate or alternate, if the party plan provides that convention delegates and alternates are to be listed on the ballot or on a separate reference sheet provided to the voter with the ballot;



- (d) A statement that all of the signatories to the petition shall be of the same political party as the nominee; and
- (e) A circulator's affidavit, providing space for the circulator of a nominating petition to record their name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that they:
  - (1) Are a qualified petition circulator;
  - (2) Personally circulated the petition sheet;
  - (3) Personally witnessed the signing of each signature on the petition sheet; and
  - (4) Inquired whether each signer is a registered voter in the District of Columbia and that the signer is a registered voter in the same political party as the candidate seeking nomination.

1402.3 A candidate shall be permitted to choose a paper and/or electronic nominating petition form. Unless specified, the laws and rules concerning the circulation of petitions, including, but not limited to, the qualifications of circulators, the validity of signatures, and challenges to petitions, shall apply regardless of the format of the petition.

1402.4 No nominating petition, whether in paper or electronic format, shall be issued to any person other than the candidate whose name appears on the first page of the petition, unless the Board receives written notice from the candidate which authorizes the Board to release petitions in their name. The authorization shall include the following:

- (a) Candidate's name;
- (b) Office which the candidate seeks and political party; and
- (c) Candidate's signature.

1402.5 Each circulator circulating an electronic petition shall register their device in-person at the Board's office. The circulator shall provide a unique and valid email address for account registration and device authentication. No circulator shall have a registered account for electronic petition circulation unless their device has been authenticated.

**Chapter 15, CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1502, PETITION FORM, is amended as follows:****1502 PETITION FORM**

- 1502.1 A nominating petition form shall be separately prepared and issued by the Executive Director or their designee for each pair of candidates for President and Vice President.
- 1502.2 The petition shall contain the following information:
- (a) The names of the candidates for President and Vice President and the candidates' political party or "independent";
  - (b) The names, addresses, and registration number of the three (3) candidates for presidential electors; and
  - (c) A statement indicating that any registered voter, regardless of party affiliation, may sign the petition; and
  - (d) A statement that only the names of the candidates for President and Vice President will be listed on the ballot.
  - (e) A circulator's affidavit, providing space for the circulator of a nominating petition to record their name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that they:
    - (1) Are a qualified petition circulator;
    - (2) Personally circulated the petition sheet;
    - (3) Personally witnessed the signing of each signature on the petition sheet; and
    - (4) Inquired whether each signer is a registered voter in the District of Columbia.
- 1502.3 A candidate shall be permitted to choose a paper and/or electronic nominating petition form. Unless specified, the laws and rules concerning the circulation of petitions, including, but not limited to, the qualifications of circulators, the validity of signatures, and challenges to petitions, shall apply regardless of the format of the petition.
- 1502.4 No nominating petition, whether in paper or electronic format, shall be issued to any person other than the candidate whose name appears on the first page of the petition, unless the Board receives written notice from the candidate which

authorizes the Board to release petitions in their name. The authorization shall include the following:

- (a) Candidate's name;
- (b) Office which the candidate seeks and political party; and
- (c) Candidate's signature.

1502.5 Each circulator circulating an electronic petition shall register their device in-person at the Board's office. The circulator shall provide a unique and valid email address for account registration and device authentication. No circulator shall have a registered account for electronic petition circulation unless their device has been authenticated.

**Chapter 16, CANDIDATE NOMINATIONS: DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF THE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBORHOOD COMMISSIONER, is amended as follows:**

**Section 1602, PETITION FORM, is amended as follows:**

**1602 PETITION FORM**

1602.1 A nominating petition form shall be separately prepared and issued by the Executive Director or their designee for each candidate seeking nomination to the office of Delegate, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Member of the State Board of Education, and Advisory Neighborhood Commissioner.

1602.2 The petition shall contain the following information:

- (a) The name and address of the candidate, registration number, and office to which the candidate seeks nomination;
- (b) In the case of a District partisan office, either the candidate's political party, or "independent";
- (c) If the candidate is running from a ward or single-member district, a statement that all signatories shall be registered and be residents of the ward or single-member district from which the candidate seeks nomination;

- (d) If the candidate is seeking nomination of a major party, a statement indicating that signers of the petition shall be of the same political party as the candidate;
- (e) If the candidate is seeking direct access nomination, a statement indicating that any registered voter, regardless of party affiliation, may sign the petition; and
- (f) A circulator's affidavit, providing space for the circulator of a nominating petition to record their name and address. By signing the affidavit, the circulator swears under oath or affirms that they:
  - (1) Are a qualified petition circulator;
  - (2) Personally circulated the petition sheet;
  - (3) Personally witnessed the signing of each signature on the petition sheet; and
  - (4) Inquired whether each signer is a registered voter in the District of Columbia, and where applicable, that the signer is a registered voter in the same political party and/or ward or single-member district as the candidate seeking nomination.

1602.3 A candidate shall be permitted to choose a paper and/or electronic nominating petition form. Unless specified, the laws and rules concerning the circulation of petitions, including, but not limited to, the qualifications of circulators, the validity of signatures, and challenges to petitions, shall apply regardless of the format of the petition.

1602.4 No nominating petition form, whether in paper or electronic format, shall be issued to any person other than the candidate unless the Board receives written notice from the candidate which authorizes the Board to release petitions in their name. The authorization shall include the following:

- (a) Candidate's name;
- (b) Office which the candidate seeks and political party, if the office sought is partisan; and
- (c) Candidate's signature.

1602.5 Each circulator circulating an electronic petition shall register their device in-person at the Board's office. The circulator shall provide a unique and valid email address for account registration and device authentication. No circulator shall have

a registered account for electronic petition circulation unless their device has been authenticated.

**Chapter 17, CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 1702, PETITION FORM, is amended as follows:**

- 1702.1 A nominating petition form shall be separately prepared and issued by the Executive Director or their designee for each candidate seeking nomination, or group of candidates seeking nomination as a slate, for office.
- 1702.2 Nominations for the offices of members and officials of local party committees elected at-large may be on one nominating petition.
- 1702.3 Nominations for the offices of members and officials of local party committees, to be elected in a single ward, may be on one nominating petition; Provided, that all the candidates stand for office only in the same ward.
- 1702.4 Nominations for the offices of national committeeman, national committeewoman, and the alternates may be on one nominating petition; provided, that no individual is nominated for two (2) or more offices that could not be occupied simultaneously by the same person.
- 1702.5 The petition shall contain the following information:
- (a) The name, address, and political party of the candidate(s), the ward (where applicable), and the office(s) to which the candidate(s) seek election;
  - (b) A statement that all of the signatories to this petition must be of the same political party as the candidate(s);
  - (c) If the candidate is running from a ward, a statement that all of the signatories to the petition must be registered in and residents of the ward from which the candidate seeks election; and
  - (d) A circulator's affidavit, providing space for the circulator of a nominating petition to record their name, address, and telephone number. By signing the affidavit, the circulator swears under oath or affirms that they:
    - (1) Are a qualified petition circulator;
    - (2) Personally circulated the petition sheet;

- (3) Personally witnessed the signing of each signature on the petition sheet; and
- (4) Inquired whether each signer is a registered voter in the same political party and ward, where applicable, as the candidate seeking nomination.

- 1702.6 A candidate or slate shall be permitted to choose a paper and/or electronic nominating petition form. Unless specified, the laws and rules concerning the circulation of petitions, including, but not limited to, the qualifications of circulators, the validity of signatures, and challenges to petitions, shall apply regardless of the format of the petition.
- 1702.7 No nominating petition, whether in paper or electronic format, shall be issued to any person other than the candidate, or the authorized slate representative, unless the Board receives written notice from the candidate or slate representative which authorizes the Board to release petitions in their name. The authorization shall include the following:
- (a) Candidate's name;
  - (b) Office which the candidate seeks; and
  - (c) Candidate or slate representative's signature.
- 1702.8 No nominating petition shall be issued unless all "blank" spaces in the candidate(s) name section of each petition sheet are stricken such that no additional names may be appended to the petition page after it has been issued.
- 1702.9 Each circulator circulating an electronic petition shall register their device in-person at the Board's office. The circulator shall provide a unique and valid email address for account registration and device authentication. No circulator shall have a registered account for electronic petition circulation unless their device has been authenticated.

## DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF FINAL RULEMAKING**(Universal Paid Leave Program: Variable Contribution Rate, Coverage of Pre-natal Leave, and Other Administrative Changes)**

The Director of the Department of Employment Services pursuant to the authority set forth in the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*) (the “Universal Paid Leave Act”), and Mayor’s Order 2018-036, dated March 29, 2018, hereby gives notice of the adoption of the following amendments to Chapter 34 (Paid Leave Contributions) and Chapter 35 (Paid Leave Benefits) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations.

The final rulemaking adds provisions to provide for future variable contribution rate changes, to implement pre-natal leave benefits, and to provide for expanded weeks for existing leave types and other administrative changes. These changes implement the Universal Paid Leave Amendment Act of 2021, Title IV, Subtitle G of the Fiscal Year 2022 Budget Support Act of 2021, effective November 13, 2021 (D.C. Law 24-0045).

When the Fiscal Year 2022 Budget Support Emergency Act of 2021 was in effect (D.C. Law 24-0045; 68 DCR 0010163), the Director issued emergency and proposed rules on November 12, 2021, which became effective October 1, 2021, and were to remain in effect for one hundred twenty (120) days, until January 29, 2022, unless superseded by a Notice of Final Rulemaking published in the *District of Columbia Register*.

In response to the proposed rulemaking, commenters made the following requests.

Commenters requested that DOES remove “the occurrence of” ahead of “a physical or mental illness...” in the definition of “serious health condition.” Commenters stated that the change is “not in line with the paid leave statute.” DOES initially made the change to maintain grammatical parallelism in the definition after the addition of a provision relating to stillbirths. Given that commenters object to this change, DOES accepts this comment and removes the language.

Commenters requested that DOES include a non-exhaustive list of medical care that qualifies as “pre-natal medical care.” The reason for the request is that commenters believe the proposed definition would “limit the scope of pre-natal medical care.” Rather than providing a non-exhaustive list of medical care, the agency chose to partially accept this comment by adding in the final rulemaking a catch-all provision to allow agency discretion in approving leave for pre-natal medical care that does not fall into one of the six categories already provided. In drafting the definition of “pre-natal medical care,” it was not DOES’ intention to unduly restrict the types of care that would qualify as “pre-natal medical care.” However, the agency believes it is necessary to establish and clearly communicate the criteria for benefit eligibility so as to provide predictability in claimants’ expectations of receiving benefits.

Commenters requested that DOES further amend the proposed definition of “serious health condition” to include “the medical care related to a miscarriage” as stand-alone text outside of the main body of the definition. The reason for the request was to ensure that “workers more fully understand this statutory clarification.” DOES did not accept this comment. DOES notes that the proposed and final rulemaking updated language to clearly incorporate “the medical care related to a miscarriage” into the definition and by doing so administratively lowered the bar to accessing medical leave benefits for people experiencing miscarriages. It did so by requiring only one occasion to treat symptoms related to a miscarriage to establish the existence of a serious health condition.

Commenters requested that DOES rescind the proposed amendment to the definition of “qualifying parental leave event.” The reasons for commenters’ request and DOES’ responses are addressed below. For the reasons explained below, DOES did not accept this request.

The statutory definition of the term “qualifying parental leave event” includes the phrase “events, including bonding, associated with...” (D.C. Code § 32-541.01(17)). DOES adopts a definition of “qualifying parental leave event” in regulations without this phrase in order to clarify the interactions between a “qualifying parental leave event” and the new pre-natal leave aspects of the program and to ensure appropriate administration of the parental leave portion of the Paid Leave Program. (Because commenters limit their comments to the birth of the child, DOES, in the discussion that follows, also sets aside consideration of the applicability of this phrase to adoptions and child placements.)

According to the statutory definition of “qualifying pre-natal leave”, pre-natal leave can be taken “following the occurrence of a qualifying pre-natal leave event and prior to the occurrence of a qualifying parental leave event” (D.C. Code § 32-541.01(17A)). DOES’s interpretation of the phrase “prior to the occurrence of a qualifying parental leave event” is that the “qualifying parental leave event” is the birth of a child. After that point in time, any medical care provided to the claimant will no longer be “pre-natal” care but will be “post-natal,” which is not eligible for pre-natal leave benefits. If the “qualifying parental leave event” were anything other than the birth of the child, unacceptable results would follow, as demonstrated below.

If the qualifying parental leave event were before the birth of the child, a claimant's eligibility for pre-natal leave would expire too early. Indeed, the phrase “events...associated with...the birth of a child” could be interpreted such that the eligibility window for pre-natal leave collapses in on itself. The act of receiving pre-natal medical care, which is to ensure the successful delivery of a healthy child, is itself an event “associated with” the birth of a child. In order to avoid limiting or even zeroing out the amount of time a pregnant person could receive pre-natal leave benefits, which cannot be taken after “the occurrence of a qualifying parental leave event,” DOES has interpreted the term “associated with” so as to limit its applicability to the birth of the child.

Conversely, allowing a birth to occur without triggering a parental leave event also leads to unreasonable results. The statutory definition of “qualifying pre-natal leave” sets the boundary of pre-natal leave at the occurrence of a “qualifying parental leave event.” Any medical care provided to a birthing mother after birth is referred to as postpartum care. It is unreasonable to accept a definition of “qualifying parental leave event” that would have the effect of



encompassing care after the birth of a child within a period of eligibility for pre-natal leave. This is why a “qualifying parental leave event” is interpreted to occur upon the birth of a child. If a birth were allowed to pass by in time without triggering a “qualifying parental leave event,” pre-natal leave could theoretically encompass medical care provided after birth. Commenters urge DOES to interpret the statute to allow maximum flexibility in the use of pre-natal leave benefits by adopting the most expansive and open-ended definition of “pre-natal medical care” (D.C. Code § 32-541.01(11A)) as possible. Doing so demands that all care associated with the pregnancy qualify for pre-natal leave, which DOES maximally interprets to include all care right up to the moment of birth. That maximal interpretation, setting the temporal boundary for pre-natal leave at birth, means that the statutory boundary of pre-natal leave, set at a “qualifying parental leave event,” must be interpreted to be the birth.

Accepting commenters’ suggestion to designate bonding as the qualifying parental leave event, thereby allowing a birth to occur without triggering a “qualifying parental leave event,” would furthermore render meaningless the only restriction on parental leave, which is that it must be taken “within one year of the occurrence of a qualifying parental leave event” (D.C. Code § 32-541.01(16)). This is a clear reference to the year following a birth, as evidenced by the clear language of the laws to which the paid leave program must synchronize and the stated position of the commenters themselves. Interpreting the birth to trigger the one-year period is consistent with the job protections provided by the federal Family and Medical Leave Act (“The entitlement to leave ... for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement” (29 U.S.C. § 2612(a)(2))) and the D.C. Family and Medical Leave Act (“The entitlement to family leave ... shall expire 12 months after the birth of the child or placement of the child with the employee” (D.C. Code § 32-502(b))). Commenters have adopted this same interpretation by stating that parents have “the right to receive paid leave benefits for leave taken anytime within the first year of the child’s birth or placement, *as the statute explicitly allows*” (emphasis added). DOES agrees that the statute is explicit: the phrase “within one year of the occurrence of a qualifying parental leave event” as applied to the eligibility window for parental leave means “within one year of the birth of a child.” When a birth occurs, the one year clock starts because the “qualifying parental leave event” has occurred, regardless of whether a new parent chooses to take leave within that period.

DOES does not contend that “bonding” or any other event conceivably related to birth are not also events associated with the birth of a child. DOES merely reasonably interprets the circular and administratively infeasible wording of the statutory definition of “qualifying parental leave event,” which “means events,” in a way that clarifies the specific event that will trigger the “occurrence of a qualifying parental leave event.” Commenters have not argued that the birth of a child is not an event “associated with” the birth of a child. DOES maintains that it is. And it is this event that DOES designates as the trigger for the “occurrence of a qualifying parental leave event,” which has the multifarious and simultaneous effects of establishing the benefit calculation period, starting the one-year clock for parental leave eligibility, and terminating the eligibility period for pre-natal leave. Any other event would either be too early to maximally administer pre-natal leave, or too late to enforce the one-year limit on taking parental leave after the birth of a child.

Commenters argue that adopting the proposed definition would “exclud[e] a period of bonding with a new child which occurs well after birth or placement.” DOES cannot conclude that the statutory intent is for every covered worker in the District to be eligible for Paid Family Leave benefits to bond with their children of any age at any time well after a birth. All deliberations of the authorizing legislation and all fiscal projections of the program’s costs published by the Council’s Budget Office, the Office of the Chief Financial Officer, and the Executive Branch assumed that only parents of recently born children—recentness being defined by the statute as “within one year” of birth—would be eligible for parental leave benefits. DOES has adopted an interpretation of “qualifying parental leave event” that would prevent the result of paying benefits to every covered parent working in the District with a child of any age simply because the parent has declared that a later date marks the beginning of their “formation of a close emotional and psychological relationship between” them and their child who was born two years, six years, or even more years ago (D.C. Code § 32-541.01(2)). This is the result that would follow from interpreting “bonding” as a “qualifying parental leave event.” For the foregoing reasons, DOES has maintained the proposed amendment to the definition of “qualifying parental leave event.”

The DOES Director took final action to adopt this rulemaking on February 11, 2022. The rules shall take effect on the date of publication of this notice in the *District of Columbia Register* and shall supersede the emergency rules adopted by the DOES Director on November 12, 2021, and published in the *District of Columbia Register* on that date at 68 DCR 0012043.

**Title 7 DCMR, EMPLOYMENT BENEFITS, Chapter 34, PAID LEAVE CONTRIBUTIONS, is amended as follows:**

**Section 3404, CONTRIBUTIONS BY COVERED EMPLOYERS TO THE UNIVERSAL PAID LEAVE IMPLEMENTATION FUND, is amended as follows:**

**Subsection 3404.1 is amended to read as follows:**

3404.1 A covered employer shall contribute quarterly an amount equal to the percentage of the wages, as established pursuant to section 3404.10, for each of its covered employees, regardless of any other benefit programs offered by the employer, for services performed in the District of Columbia to the Universal Paid Leave Fund online or in another format approved by DOES.

**Subsection 3404.3 is amended to read as follows:**

3404.3 A self-employed individual who has opted-in to the paid-leave program shall contribute quarterly an amount equal to the percentage established pursuant to section 3404.10 of the total gross earnings from all of the self-employed businesses for which the individual performs at least fifty percent (50%) of their work in the District of Columbia. Payments shall be made to the Universal Paid Leave Fund online or in another format approved by DOES.

**A new section 3404.10 is added to read as follows:**

- 3404.10 (a) Before July 1 of the first year in which all paid-leave benefit expansions in section 104a of the Act have been implemented, the required contribution rate for covered employers and self-employed individuals shall be sixty-two hundredths of a percent (0.62%).
- (b) Beginning July 1 of the first year in which all paid-leave benefit expansions in section 104a of the Act have been implemented, the required contribution rate for covered employers and self-employed individuals shall be the lesser of:
- (1) The special contribution rate established by the Chief Financial Officer pursuant to section 104a of the Act; and
  - (2) Sixty-two hundredths of a percent (0.62%).

**Section 3499, DEFINITIONS, is amended by adding a definition for the following term after the definition of the term “Self-employed individual”:**

**“Special contribution rate”** – means the projected employer contribution rate calculated by the Chief Financial Officer to be sufficient to maintain the then-existing level of benefits and continued solvency of the Universal Paid Leave Fund pursuant to section 104a of the Act.

**Title 7 DCMR, EMPLOYMENT BENEFITS, Chapter 35, PAID LEAVE BENEFITS, is amended as follows:**

**Section 3500, ELIGIBILITY FOR PAID LEAVE BENEFITS, is amended as follows:**

**Subsection 3500.1(c)(1)(B) is amended to read as follows:**

- (B) The individual has earned income as a covered employee of a covered employer during at least one (1) of the past five (5) completed quarters immediately preceding the qualifying event for which the paid leave claim is being submitted, or, if the claim is submitted between October 1, 2021, and July 25, 2022, the individual has earned income as a covered employee of a covered employer during at least one (1) of the past ten (10) completed quarters immediately preceding the qualifying event for which the paid leave claim is being submitted; and

**Subsection 3500.1(c)(2)(B) is amended to read as follows:**

- (B) The individual earned and reported to the Department of Employment Services (DOES) under Chapter 34 (Paid Leave Contributions) self-employment income during at least one (1) of the past five (5) completed quarters immediately preceding the qualifying event for which the paid leave claim is being submitted, or, if the claim is submitted between October 1, 2021, and July 25, 2022, then the individual earned and reported to DOES under Chapter 34 self-employment income during at least one (1) of the past ten (10) completed quarters immediately preceding the qualifying event for which the paid leave claim is being submitted;

**Section 3501, SUBMITTING A CLAIM FOR PAID-LEAVE BENEFITS, is amended as follows:**

**Subsection 3501.2 is amended to read as follows:**

- 3501.2 An applicant may submit a claim for one (1) of the following four (4) types of qualifying paid leave:
- (a) Qualifying family leave;
  - (b) Qualifying medical leave;
  - (c) Qualifying parental leave; and
  - (d) Qualifying pre-natal leave.

**Subsection 3501.4 is amended to read as follows:**

- 3501.4 Benefits for payable dates that occurred before the date on which the claim was filed shall be allowed under the following conditions:
- (a) No benefits shall be payable for leave dates taken before the occurrence of a qualifying event.
  - (b) Benefits for which an individual would otherwise be eligible under this Chapter shall be payable for leave dates that occurred before the date on which the individual submitted the claim for paid leave benefits when:
    - (a) The requested leave dates fall no more than thirty (30) days before the date on which the individual filed a claim for benefits; and
    - (b) The claim was filed no more than thirty (30) days after the occurrence of the qualifying event.

- (c) Benefits for which an individual would otherwise be eligible under this Chapter shall be payable for leave dates that occurred before the date on which the individual submitted the claim even when the individual submitted the claim more than thirty (30) days after the occurrence of the qualifying event, provided that exigent circumstances prevented the individual or the individual's authorized representative from filing a claim for benefits in fewer than thirty (30) days after the occurrence of the qualifying event.
- (d) When an applicant believes that an exigent circumstance exists, the applicant or the applicant's authorized representative shall submit the claim for paid leave benefits as soon as practicable after the qualifying event and shall provide evidence of the exigent circumstance.
- (e) Based on the evidence provided by the applicant or the applicant's representative (and any supplemental evidence requested by DOES and provided by the applicant or the applicant's representative), DOES shall determine whether exigent circumstances existed that prevented the applicant or applicant's representative from filing less than thirty (30) days after the occurrence of the qualifying event. If DOES determines that exigent circumstances existed, DOES shall then determine the earliest date on which a claim could practicably have been filed by the applicant or the applicant's authorized representative, taking into consideration the evidence submitted by the applicant, and process the claim based on that date.

**A new Subsection 3501.6(i)(4) is added to read as follows:**

- (4) For a paid pre-natal leave claim, proof of a diagnosis of pregnancy, certified by a health care provider and containing the following elements:
  - (A) Contact information for the health care provider, including the name, address, telephone number, and email address of the health care provider;
  - (B) Medical license information for the health care provider;
  - (C) The date the health care provider first confirmed the patient's pregnancy or the first date on which treatment was provided for the pregnancy, whichever came first; and
  - (D) The health care provider's estimate of the expected due date of the applicant's baby.

**Section 3502, PROCESSING CLAIMS FOR PAID LEAVE, is amended as follows:**

**Subsection 3502.2(b)(3) is amended to read as follows:**

- (3) Which type of leave from among the options described in subsection 3501.2 that the employee requested from the employer pursuant to the notice described in section 3509; and

**Subsection 3502.5 is amended to read as follows:**

3502.5 For qualifying family leave, qualifying medical leave, and qualifying pre-natal leave, the claims examiner shall first determine an applicant's tentative eligibility based on non-medical factors supported by documentation submitted to establish the applicant's identity, employment history, and, if applicable, familial relationship.

**Section 3503, CALCULATION OF WEEKLY BENEFIT AMOUNT, is amended as follows:**

**Subsection 3503.1(b)(1) and (2) are amended to read as follows:**

- (b) (1) For claims submitted before October 1, 2021, and for claims submitted after July 25, 2022, DOES shall determine the total amount of all reported covered wages, including any reported self-employment income, for each of the five (5) completed calendar quarters before the applicant's qualifying event. For claims filed between October 1, 2021 and July 25, 2022, DOES shall determine the total amount of all reported covered wages, including any reported self-employment income, for each of the ten (10) completed calendar quarters before the applicant's qualifying event. Only completed quarters shall be considered in calculating the weekly benefit amount. The quarters are as follows: January 1 to March 31; April 1 to June 30; July 1 to September 30; October 1 to December 31.
- (2) For claims submitted before October 1, 2021, and for claims submitted after July 25, 2022, the quarter with the lowest total earnings in the five (5) completed calendar quarters before the applicant's qualifying event shall be discarded for purposes of the benefit calculation. If multiple quarters have the same total earnings, and those quarters with identical earnings are the lowest-earning quarters, only one (1) of the quarters with identical earnings shall be discarded. For claims filed between October 1, 2021 and July 25, 2022, the six (6) quarters with the lowest total earnings in the ten (10) completed calendar quarters before the applicant's qualifying event shall be discarded for purposes of the

benefit calculation. If multiple quarters have the same total earnings, and those quarters with identical earnings are the lowest-earning quarters, a maximum of six (6) such quarters with identical earnings shall be discarded.

**Section 3504, WAITING PERIOD FOR BENEFITS, is amended by adding a new subsection 3504.6 to read as follows:**

3504.6 Claims filed between October 1, 2021, and July 25, 2022, shall not have a waiting period. The provisions of section 3504.1 through 3504.5 shall not apply to claims filed during this period.

**Section 3505, DURATION OF PAID-LEAVE BENEFITS, is amended as follows:**

**Subsection 3505.1 is amended to read as follows:**

- 3505.1 (a) For all claims submitted before October 1, 2021, an eligible individual shall not receive more than:
- (1) Two (2) workweeks of qualifying medical leave for qualifying medical leave event(s) within a fifty-two (52) calendar week period;
  - (2) Six (6) workweeks of qualifying family leave for qualifying family leave event(s) within a fifty-two (52) calendar week period;
  - (3) Eight (8) workweeks of qualifying parental leave for qualifying parental leave event(s) within a fifty-two (52) calendar week period; and
  - (4) Zero (0) workweeks of qualifying pre-natal leave for qualifying pre-natal leave event(s) within a fifty-two (52) calendar week period.
- (b) For all claims submitted between October 1, 2021 and September 30, 2022, an eligible individual shall not receive more than:
- (1) Six (6) workweeks of qualifying medical leave for qualifying medical leave event(s) within a fifty-two (52) calendar week period;
  - (2) Six (6) workweeks of qualifying family leave for qualifying family leave event(s) within a fifty-two (52) calendar week period;

- (3) Eight (8) workweeks of qualifying parental leave for qualifying parental leave event(s) within a fifty-two (52) calendar week period; and
  - (4) Two (2) workweeks of qualifying pre-natal leave for qualifying pre-natal leave event(s) within a fifty-two (52) calendar week period.
- (c) For all claims submitted after September 30, 2022, an eligible individual shall not receive more than the maximum number of workweeks of qualifying leave for any leave type, as determined pursuant to section 104a of the Act and as included in the approved version of the District's multiyear budget and financial plan.

**Subsection 3505.2 is amended to read as follows:**

- 3505.2
- (a) An eligible individual shall not receive more weeks of paid-leave benefits during a fifty-two (52) calendar week period than the maximum leave entitlement, regardless of the number of qualifying leave events that occurred during the fifty-two (52) calendar week period.
  - (b) An eligible individual shall be eligible to receive up to two (2) workweeks of qualifying pre-natal leave for qualifying pre-natal leave event(s) within a fifty-two (52) calendar week period without regard for the restriction provided in subsection (a) and without regard for the number of workweeks of qualifying parental and family leave benefits the eligible individual received during the same fifty-two (52) calendar week period.
  - (c) An eligible individual shall not receive any combination of qualifying pre-natal leave and qualifying medical leave within a fifty-two (52) calendar week period that exceeds the maximum number of workweeks of qualifying medical leave available to the eligible individual for the fiscal year in which the claim is filed.

**Section 3506, CONTINUOUS AND INTERMITTENT LEAVE, is amended by adding a new subsection 3506.6(a-1) to read as follows:**

- (a-1) For qualifying pre-natal leave, any amendment to the leave schedule must be medically necessary as established by appropriate medical documentation signed by a health care provider submitted to DOES by the individual.

**Section 3599, DEFINITIONS, is amended by adding definitions for the following terms in the alphabetical order in which the terms would fall within the existing section:**



**“Applicant”** – means a person for whom a claim for paid family leave benefits has been submitted pursuant to section 3501.

**“Eligible individual”** – means a person whose claim for paid-leave benefits is not based on employment for the United States, the District of Columbia, or an employer that the District of Columbia is not authorized to tax under federal law or treaty, who meets the requirements of this Chapter and:

- (a) Has been a covered employee during some or all of the fifty-two (52) calendar weeks immediately preceding the qualifying event for which paid leave is being taken; or
- (b) Is a self-employed individual who has:
  - (1) Opted into the paid-leave program established pursuant to Chapter 34; and
  - (2) Earned self-employment income for work performed more than 50% of the time in the District of Columbia during some or all of the fifty-two (52) calendar weeks immediately preceding the qualifying event for which paid leave is being taken.

**“Exigent circumstances”** – means

- (a) Physical or mental incapacity of the applicant that prevented the applicant or the applicant’s authorized representative from filing for benefits following the occurrence of the qualifying event;
- (b) A demonstrable inability to reasonably access the means by which a claim could have been filed by the applicant or the applicant’s authorized representative following the occurrence of the qualifying event; or
- (c) Actual lack of knowledge by the applicant of their right to apply for benefits under this chapter due to the noncompliance of all of the individual’s covered employers with the notice requirements required by 7 DCMR 3407 during the period when the individual could have received benefits under this chapter. Such employer noncompliance shall be confirmed by DOES before the individual shall be eligible for benefits due to exigent circumstances under this section.

**“Maximum leave entitlement”** – means the maximum duration of qualifying parental leave applicable in the fiscal year during which the individual files a claim for paid leave benefits.

**“Pre-natal medical care”** – means:

- (a) Routine and specialty appointments, exams, and treatments, provided by a health care provider, that are associated with a pregnancy;
- (b) Pre-natal check-up appointments with a health care provider;
- (c) Diagnostic appointments with a health care provider that are intended to provide medical information about the health or well-being of the embryo or fetus carried by the eligible individual, such as amniocentesis, ultrasounds, or blood tests;
- (d) Treatment by a health care provider for pregnancy complications, including any treatment associated with a high-risk pregnancy;
- (e) Bedrest that is required or prescribed by a health care provider;
- (f) Physical therapy provided by a health care provider necessary to treat symptoms of, or to relieve physical discomfort associated with, pregnancy; or
- (g) Other medical care that medical documentation submitted by the claimant demonstrates is associated with a pregnancy.

**“Qualifying pre-natal leave”** – means paid leave that an eligible individual who is pregnant may take for pre-natal medical care following the occurrence of a qualifying pre-natal leave event and prior to the occurrence of a qualifying parental leave event.

**“Qualifying pre-natal leave event”** – means the diagnosis of pregnancy by a health care provider.

**Section 3599, DEFINITIONS, is further amended by amending the definitions of the following terms to read as follows:**

**“Qualifying event”** – means a qualifying family leave event, a qualifying medical leave event, a qualifying parental leave event, or a qualifying pre-natal leave event.

**“Qualifying family leave”** – means paid leave that an eligible individual may take in order to provide care or companionship to a family member because of the occurrence of a qualifying family leave event.

**“Qualifying medical leave”** – means paid leave that an eligible individual may take following the occurrence of a qualifying medical leave event.

**“Qualifying parental leave”** – means paid leave that an eligible individual may take within one year of the occurrence of a qualifying parental leave event.”.

**“Qualifying parental leave event”** – means:

- (a) The birth of a child of an eligible individual;
- (b) The placement of a child with an eligible individual for adoption or foster care; or
- (c) The placement of a child with an eligible individual for whom the eligible individual legally assumes and discharges parental responsibility.

**“Serious health condition”** – means the occurrence of a stillbirth; or a physical or mental illness, injury, or impairment that requires inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision at home, or at the home of a caregiver or other family member, by a health care provider or other competent individual.

- (a)
  - (1) The term “treatment” includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition.
  - (2) Treatment does not include routine physical examinations, eye examinations, or dental examinations.
  - (3) A regimen of continuing treatment such as the taking of over-the-counter medications, bed rest, or similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute continuing treatment for the purposes of this chapter.
- (b) The term “inpatient care” is the care of a patient in a hospital, hospice, or residential medical care facility for the duration of one overnight period or longer or any subsequent treatment in connection with such inpatient care.
- (c) The term “incapacity” means inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.

- (d) Conditions for which cosmetic treatments are administered are not serious health conditions; provided, that procedures related to an individual's gender transition or restorative surgery following surgery or treatments for diseases or injury shall not be considered cosmetic treatments for the purposes of this subparagraph.
- (e) A serious health condition involving continuing treatment by a health care provider means any one or more of the following:
  - (1) A period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
    - (A) Treatment of two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider. For the purposes of this sub-subparagraph, "extenuating circumstances" means circumstances beyond an individual's control that prevent the follow-up visit from occurring as planned by the health care provider;
    - (B) The first, or only, in-person treatment visit within ten (10) days after the first day of incapacity if extenuating circumstances exist; or
    - (C) Treatment by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider;
  - (2) Any period of incapacity or treatment, including prenatal care, for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
    - (A) Requires two (2) or more periodic visits annually for treatment by a health care provider or by a nurse under direct supervision of a health care provider;

- (B) Continues over an extended period of time, which shall include recurring episodes of a single underlying condition; and
  - (C) May cause episodic rather than a continuing period of incapacity;
- (3) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The family member of an eligible individual must be under continuing supervision of, but need not be receiving active treatment by, a health care provider;
- (4) Any period of absence to receive multiple treatments (including any period of recovery from the treatments) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
  - (A) Restorative surgery after an accident or other injury; or
  - (B) A condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment; or
- (5) Treatment by a health care provider on at least one (1) occasion to treat symptoms related to the occurrence of a miscarriage.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2022-021  
February 2, 2022

**SUBJECT:** Re-Establishment of the Mayor's Office on Volunteerism and Partnerships ("Serve DC") and Formal Dissolution of the Office of Partnerships and Grant Services

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(6) and (11), 446B(a), and 448(a) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(6) and (11), 1-204.46b(a), and 1-204.48(a) (2016 Repl.), section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003, Pub. L. 108-7, D.C. Official Code § 1-329.01 (2016 Repl.), and pursuant to Mayor's Order 2008-33, dated February 26, 2008, Mayor's Order 2008-84, dated June 11, 2008, Mayor's Order 2010-60, dated April 6, 2010, Mayor's Order 2013-171, dated September 19, 2013, and Mayor's Memorandum 2015-001, dated August 21, 2015, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, and relevant provisions of the Anti-Deficiency Act, 31 U.S.C. §§ 1349 and 1351, it is hereby **ORDERED** that:

**I. PURPOSE**

The purpose of this Order is to:

1. Re-establish the Mayor's Office on Volunteerism and Partnerships ("Serve DC"), and authorize it to carry out its responsibilities; and
2. Formally dissolve the Office of Partnerships and Grant Services ("OPGS") and transfer certain responsibilities previously carried out by OPGS, under Mayor's Order 2008-033, dated February 26, 2008 and Mayor's Order 2009-228, dated December 30, 2009, to Serve DC.

**II. RE-ESTABLISHMENT OF THE MAYOR'S OFFICE ON VOLUNTEERISM AND PARTNERSHIPS ("SERVE DC")**

1. The Mayor's Office of Volunteerism and Partnerships ("Serve DC") is hereby re-established as the District of Columbia government agency dedicated to promoting service and strategic partnerships as an innovative, sustainable solution to pressing social challenges.
2. Serve DC is authorized to engage District communities by building partnerships and organizational capacity; to lead local and national volunteer and service

initiatives; to provide and promote meaningful public service opportunities; to manage the process for District agencies to solicit, accept, and administer donations; to foster community resilience and emergency preparedness; to serve as the DC Commission for National and Community Service; and to carry out relevant trainings and capacity building activities.

3. Serve DC shall be headed by a director, who shall be appointed by, and serve at the pleasure of, the Mayor. The director shall be responsible for the management and operations of Serve DC.
4. Serve DC is authorized to:
  - a. Coordinate, establish, implement, enforce, and revise mandatory policies and procedures related to the solicitation and acceptance by District agencies of private donations to the District of Columbia government, including during states of public emergency declared pursuant to D.C. Official Code § 7-2304;
  - b. Maintain a website to serve as the District government's central repository for District, federal, and foundation grant opportunities;
  - c. Recruit, train, and mobilize District residents to respond and assist during emergencies and to provide critical support to the District's official emergency response efforts in the first seventy-two (72) hours of a crisis or natural disaster, ensuring residents play a major role in making their communities safer, stronger, and better prepared to address threats of terrorism, crime, and disasters;
  - d. Recruit, train, and mobilize District residents and multi-sector partners to promote volunteerism and civic engagement in response to pressing social challenges and Mayoral priorities;
  - e. Serve as the DC Commission for National and Community Service; administer federal Corporation for National and Community Service funds; and coordinate national service initiatives in the District;
  - f. Manage the AmeriCorps national service grant program and award AmeriCorps grants to District-based nonprofit organizations, schools, and universities to create and expand service opportunities and address critical community needs;
  - g. Provide capacity-building training and technical assistance to District agencies, nonprofit organizations, and community and faith-based organizations;

- h. Perform any other functions as directed by the Mayor.

### **III. DISSOLUTION OF THE OFFICE OF PARTNERSHIPS AND GRANT SERVICES AND DELEGATION OF ADDITIONAL AUTHORITIES TO SERVE DC**

1. The Office of Partnerships and Grant Services is hereby officially dissolved.
2. Serve DC is authorized to carry out the following responsibilities previously performed by OPGS, under Mayor's Order 2008-33, dated February 26, 2008, and Mayor's Order 2009-228, dated December 30, 2009.
  - a. Identify potential and available financial, human, and in-kind support and disseminate that information to appropriate District agencies;
  - b. Assist District agencies in identifying appropriate projects for targeted funding from grants and donations;
  - c. Facilitate the establishment of collaborative philanthropic relationships with private, public, and nonprofit organizations, as well as individual donors, to aid in implementing the Mayor's public policy priorities, and solicit donations or apply for grants;
  - d. Approve the acceptance and use of the donation of funds, property, and services by District agencies, including Serve DC, as authorized by section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003, 117 Stat. 123, D.C. Official Code § 1-329.01 (2016 Repl.), and any substantially similar successor law;
  - e. Review requests by employees or agencies to solicit such donations in consultation with the Board of Ethics and Government Accountability ("BEGA"), the Mayor's Office of Legal Counsel ("MOLC"), or the Mayor's Office of General Counsel ("OGC"), and approve or disapprove such requests as appropriate, in accordance with the Rules of Conduct Governing Donations published in Mayor's Memorandum 2015-001, dated August 21, 2015, or a successor memorandum or order;
  - f. Implement other procedures required by the Rules of Conduct Governing Donations published in Mayor's Memorandum 2015-001, dated August 21, 2015 and take all actions necessary for the implementation of the donations process and reporting on it, in conjunction with other agencies such as the Office of the Chief Financial Officer, as necessary;
  - g. Coordinate the design and execution of donation development strategies that enhance the programs of District agencies and Mayoral priorities; and



- h. Administer the Mayor's Fund to Advance DC or other successor initiatives.

#### IV. FURTHER DELEGATION OF AUTHORITY

The Director of Serve DC may further delegate any of the authority delegated to him or her under this Order to any subordinate under his or her jurisdiction, except the Director shall not further delegate any rulemaking authority that the office may have or be assigned.

#### V. PRIOR ORDERS

1. This Order shall supersede Mayor's Order 2001-132, dated September 20, 2001, Mayor's Order 2002-2, dated July 11, 2002, Mayor's Order 2008-33, dated February 26, 2008, Mayor's Order 2008-84, dated June 11, 2008, Mayor's Order, 2009-228, dated December 30, 2009, Mayor's Order 2010-60, dated April 6, 2010, Mayor's Order 2010-167, dated October 15, 2010, Mayor's Order 2011-170, dated October 5, 2011, and Mayor's Order 2013-171, dated September 19, 2013.
2. This Order shall supersede any other Mayor's Orders to the extent of any inconsistency.

#### VI. EFFECTIVE DATE:

This Order shall become effective immediately and the authorities of the Mayor's Office on Volunteerism and Partnerships ("Serve DC") set forth herein are effective *nunc pro tunc* to January 1, 2018.

  
MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2022-022  
February 3, 2022


**SUBJECT:** Delegation — Authority to the Director of the District Department of Transportation regarding Sections 6b and 6c of the District of Columbia Traffic Act, 1925 (Shared Fleet Devices Amendment Act of 2020)

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by section 6b of the District of Columbia Traffic Act, 1925, effective March 16, 2021, D.C. Law 23-203, D.C. Official Code § 50-2201.03b, to issue rules implementing the provisions of section 6c of the District of Columbia Traffic Act, 1925, effective March 16, 2021, D.C. Law 23-203, D.C. Official Code § 50-2201.03c, is delegated to the Director of the District Department of Transportation.
2. The Director may further delegate any of the authority delegated to him or her under this Order to any subordinate under his or her jurisdiction.
3. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

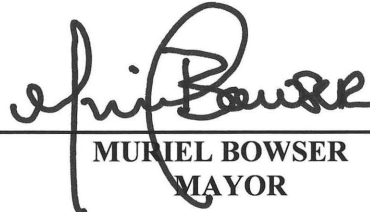
Mayor's Order 2022-023  
February 4, 2022

**SUBJECT:** Reappointments & Appointments — District of Columbia Emancipation  
Commemoration Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-061, dated April 14, 2016, and as amended by Mayor's Order 2021-048, dated March 31, 2021, it is hereby **ORDERED** that:

1. The following persons are reappointed as public members of the District of Columbia Emancipation Commemoration Commission (the "Commission") for a term to end October 1, 2022:
  - a. **HELGA BASKETT-TIPPETT;**
  - b. **MARY IVEY;**
  - c. **HOWARD MARKS;** and
  - d. **FRANK SMITH.**
2. The following persons are appointed as public members to the Commission for a term to end October 1, 2022:
  - a. **TIFFANEY GRIMES**, replacing Kassandra Whitt;
  - b. **MISTY HENDERSON**, replacing Christine Haley;
  - c. **AYANNA HAWKINS**, replacing Junel Jeffrey;
  - d. **SABRINA THOMAS**, replacing Dorjan Short; and
  - e. **MALISSA FREESE**, replacing Ann Wicker.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 1, 2021.

  
\_\_\_\_\_  
MURIEL BOWSER  
MAYOR

ATTEST:



KIMBERLY A. BASSETT

SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

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

Mayor's Order 2022-024  
February 9, 2022


**SUBJECT:** Delegation — Authority to the Director of the Department of Consumer and Regulatory Affairs regarding the Licensing of Security Officers

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of Consumer and Regulatory Affairs ("DCRA") is delegated the Mayor's authority to issue rules pursuant to the second paragraph of the section titled "FOR METROPOLITAN POLICE" of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02(c) (2019 Repl.)).
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
\_\_\_\_\_  
MURIEL BOWSER  
MAYOR

ATTEST:   
\_\_\_\_\_  
KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2022-025  
February 9, 2022

**SUBJECT:** Reappointments and Appointments — Emergency Medical Services Advisory Committee


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 23 of the Emergency Medical Services Act of 2008, effective March 25, 2009, D.C. Law 17-357, D.C. Official Code § 7-2341.22 (2018 Repl.), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the District of Columbia Emergency Medical Services Advisory Committee ("Committee"), for terms to end January 1, 2025:
  - a. **HENRY LYLES** as a representative of a commercial ambulance service;
  - b. **KENNETH LYONS** as a representative of a labor organization representing emergency medical services personnel;
  - c. **JACK SAVA** as a representative of a hospital, including trauma centers, located in the District; and
  - d. **CALEB WARD** as a representative concerned with pediatric trauma care.
2. **CYNTHIANA LIGHTFOOT** is appointed to the Committee as a representative of the senior community, replacing Anne Renshaw, for a term to end January 1, 2025.
3. **CHRISTOPHER PAGE** is appointed to the Committee as a representative of a professional medical organization concerned with emergency medical services, replacing Cynthia Lightfoot, for a term to end January 1, 2025.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 1, 2022.

  
MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2022-026  
February 9, 2022

**SUBJECT:** Delegation — Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to District-owned Real Property Located at the Intersection of 7th Street, NW, R Street, NW, and Rhode Island Avenue, NW


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development (“Deputy Mayor”) is delegated the authority vested in the Mayor by sections 1 through 3 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code §§ 10-801 *et seq.* (2013 Repl.) and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2016 Repl.) to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development, or use of the District-owned real property located at the intersection of 7th Street, NW, R Street, NW, and Rhode Island Avenue, NW in the District of Columbia, known for taxation and assessment purposes as Lots 0106 and 0803 in Square 0442, and known commonly as the “Parcel 42” property (collectively, the “Property”), including, but not limited to, easements, license agreements, use agreements, deeds, lease agreements, right of entry agreements, covenants, and other associated documents, and to take all actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all prior Mayor’s Orders to the extent of any inconsistency.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL BOWSER  
MAYOR

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



## DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE

The Director of the Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08)(2018 Repl.), hereby gives notice that upon publication of this Notice in the *D.C. Register*, DBH will accept new applications for Community Based Intervention (CBI) Levels II and III providers. All applicants seeking certification as CBI Level II and/or III providers must be currently-certified child and youth providers under 22-A District of Columbia Municipal Regulations (DCMR) Chapter 34. To be awarded certification, an applicant must meet certification standards enumerated in 22-A DCMR Chapter 34, including but not limited to ensuring that their staff meet all applicable CBI training requirements pursuant to Chapter 34, DBH Bulletin 83 (available at <https://dbh.dc.gov/publication/bulletin-id-no-83-supplemental-training-requirements-cbi-levels-2-3-ihc>), and any subsequent guidance. Please contact Amina Smith, Evidence Based Program Manager, at (202) 441-1973 or [amina.smith@dc.gov](mailto:amina.smith@dc.gov) for all questions regarding CBI trainings or to register for CBI Training through the DBH Training Institute.

This notice is solely for parties interested in certification. Obtaining certification does not guarantee that the applicant will receive a Human Care Agreement or local-only funding. Successful applicants must meet all contract requirements as determined by the Office of Contracting and Procurement prior to receiving a Human Care Agreement and the award of a Human Care Agreement is subject to availability of funds. All other terms of the January 24, 2020 Moratorium shall remain in effect until otherwise noted through publication of a Notice in the *D.C. Register*.

All questions regarding certification should be directed to Christine Phillips, DBH Division of Certification, at 64 New York Ave. NE, 3rd floor, Washington D.C. 20002; e-mail: [christine.phillips@dc.gov](mailto:christine.phillips@dc.gov); telephone: (202) 299-5354.

**DISTRICT OF COLUMBIA**  
**DEPARTMENT OF BEHAVIORAL HEALTH**  
**NOTICE OF PUBLIC MEETING**

**Behavioral Planning Council**

The District of Columbia Department of Behavioral Health, Behavioral Health Planning Council meeting will be held Friday, February 25, 2022, at 10:00 am. The meeting will be held virtually:

<https://dcnet.webex.com/dcnet/j.php?MTID=medcf0ffb16af9c18409d5c0e16903800>

Meeting number: 2312 237 8972

Password: BHPC2022

Below is the draft meeting agenda. The final agenda will be approved by the voting members at the Behavioral Health Planning Council Meeting.

If any council member or public attendee needs an accommodation, please contact Ms. Philippa Stuart, Continuous Quality Improvement Program Analyst, at Office: (202) 673-2294 or [Philippa.Stuart@dc.gov](mailto:Philippa.Stuart@dc.gov) prior to the meeting date.

**DRAFT AGENDA**

1. Call to Order, Welcome, Introductions & Roll
2. Approvals of Agenda & Minutes
3. Department of Behavioral Health Updates
  - a. DBH Organizational Chart Update
  - b. Communications Division Update
  - c. Consumer & Family Affairs Division Update
4. Old Business
  - a. Block Grant Annual Report Update
5. New Business
  - a. Standing Committee Leadership Introductions
  - b. Committee Reports
  - c. System & Benefit Design
  - d. Advocacy & Outreach
  - e. Connection to Care
  - f. Planning & Accountability
6. Announcements & Public Comments

**DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER  
REGULAR MEETING OF THE CHILD FATALITY REVIEW COMMITTEE**

**Notice of Public Meeting- Thursday, February 17, 2022- 10:00 a.m.**

**This meeting will be conducted via WebEx**

**Open Meeting**

- I. Greetings:
  - Attendees introductions
- II. Vote to approve the agenda for today's meeting
- III. Open portion of meeting for any members of the public who wish to address the team
- IV. Reading of Open Minutes from the January 2022 meeting
- V. Vote to close meeting to the public for remaining team business

**Closed Meeting**

Child Fatality Review Committee (CFRC) meetings are closed to the public when discussing cases of child deaths pursuant to D.C. Official Code §§ 2-575(b)(1) and 4-1371.08. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

**Join this meeting through WebEx:**

Meeting link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m97bd59196a2157a91810b8a392072b09>

Meeting Number: 2300 177 3556

Event Password: 3h98hWvBHF8

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access Code: 2300 177 3556

Please direct any inquiries to: Jenna Beebe-Aryee, Supervisory Fatality Review Program Manager at [jenna.beebe-aryee@dc.gov](mailto:jenna.beebe-aryee@dc.gov)

**DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER**  
**REGULAR MEETING OF THE**  
**DEVELOPMENTAL DISABILITIES FATALITY REVIEW COMMITTEE**

**Notice of Public Meeting- Friday, February 18, 2022- 10:00 a.m.**

**This meeting will be conducted via WebEx**

**Open Meeting**

- I. Greetings:
  - Attendees introductions
- II. Vote to approve the agenda for today's meeting
- III. Open portion of meeting for any members of the public who wish to address the team
- IV. Reading of Open Minutes from the January 2022 meeting
- V. Vote to close meeting to the public for remaining team business

**Closed Meeting**

Developmental Disabilities Fatality Review Committee meetings are closed to the public when discussing decedent deaths pursuant to D.C. Official Code § 2-575(b)(1), and 7-1305.12. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

**Join this meeting through WebEx:**

Meeting link:

<https://dcnnet.webex.com/dcnnet/j.php?MTID=m05de829dbc9a029dc94b83e0b109fb06>

Meeting Number: 180 462 5318

Event Password: 3h98hWvBHF8

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)  
1-650-479-3208 Call-in number (US/Canada)

Access Code: 180 462 5138

Please direct any inquiries to: Jenna Beebe-Aryee, Supervisory Fatality Review Program Manager at [jenna.beebe-aryee@dc.gov](mailto:jenna.beebe-aryee@dc.gov)

**DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER  
REGULAR MEETING OF THE MATERNAL MORTALITY REVIEW COMMITTEE**

**Notice of Public Meeting- Thursday, February 22, 2022- 10:00 a.m.**

**This meeting will be conducted via WebEx**

**Open Meeting**

- I. Greetings:
  - Attendees introductions
- II. Vote to approve the agenda for today's meeting
- III. Open portion of meeting for any members of the public who wish to address the team
- IV. Reading of Open Minutes from the January 2022 meeting
- V. Vote to close meeting to the public for remaining team business

**Closed Meeting**

Maternal Mortality Review Committee (MMRC) meetings are closed to the public when discussing cases of maternal deaths pursuant to D.C. Official Code § 2-575(b)(1) and 7-671.06. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

**Join this meeting through WebEx:**

Meeting link:

<https://dcnet.webex.com/dcnet/j.php?MTID=mccf8ae2750b4424f45ff6312b3b1f63e>

Meeting Number: 180 020 5186

Event Password: HJsRukDk263

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access Code: 180 020 5186

Please direct any inquiries to: Jenna Beebe-Aryee, Supervisory Fatality Review Program Manager at [jenna.beebe-aryee@dc.gov](mailto:jenna.beebe-aryee@dc.gov)

**DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER  
REGULAR MEETING OF THE OPIOID FATALITY REVIEW BOARD**

**Notice of Public Meeting- Tuesday, February 8, 2022- 3:00 p.m.**

**This meeting will be conducted via WebEx**

**Open Meeting**

- I. Greetings:
  - Attendees introductions
- II. Vote to approve the agenda for today's meeting
- III. Open portion of meeting for any members of the public who wish to address the team
- IV. Reading of Open Minutes from the January 2022 meeting
- V. Vote to close meeting to the public for remaining team business

**Closed Meeting**

Opioid Fatality Review Board (OFRB) meetings are closed to the public when discussing cases of opioid related deaths pursuant to D.C. Official Code § 2-575(b)(1) and Mayor's Order 2019-024 (XIII). The Board welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

**Join this meeting through WebEx:**

Meeting link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m5f484059905daab9801ff0af00cafc77>

Meeting Number: 2301 828 0321

Event Password: RPrwzrJa457

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3280 Call-in number (US/Canada)

Access Code: 2301 828 0321

Please direct any inquiries to: Jenna Beebe-Aryee, Supervisory Fatality Review Program Manager at [jenna.beebe-aryee@dc.gov](mailto:jenna.beebe-aryee@dc.gov)

**DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER  
REGULAR MEETING OF THE VIOLENCE FATALITY REVIEW COMMITTEE**

**Notice of Public Meeting- Thursday, February 24, 2022- 1:00 p.m.**

**This meeting will be conducted via WebEx**

**Open Meeting**

- I. Greetings:
  - Attendees introductions
- II. Vote to approve the agenda for today's meeting
- III. Open portion of meeting for any members of the public who wish to address the team
- IV. Reading of Open Minutes from the January 2022 meeting
- V. Vote to close meeting to the public for remaining team business

**Closed Meeting**

Violence Fatality Review Committee (VFRC) meetings are closed to the public when discussing cases of homicide and suicide related deaths pursuant to D.C. Official Code § 2-575(b)(1) and 5-1431.05. The Committee welcomes public comments and questions and reserves time at the start of each meeting for public engagement.

**Join this meeting through WebEx:**

Meeting link:

<https://dcnet.webex.com/dcnet/j.php?MTID=mc6a07763ee20561895cbe40f4cc1c293>

Meeting Number: 160 123 8218

Event Password: RgEJ4Fu9SU7

To join by phone: +1-202-860-2110 United States Toll (Washington, D.C.)

1-650-479-3208 Call-in number (US/Canada)

Access Code: 160 123 8218

Please direct any inquiries to: Jenna Beebe-Aryee, Supervisory Fatality Review Program Manager at [jenna.beebe-aryee@dc.gov](mailto:jenna.beebe-aryee@dc.gov)

## OFFICE OF THE DISTRICT OF COLUMBIA CLEMENCY BOARD

## NOTICE OF PUBLIC MEETING

The Clemency Board will be holding its meeting on Friday, February 18, 2022 at 12:30 p.m. The meeting will be held via WebEx at the link (and numbers) below. Below is the agenda for this meeting.

## AGENDA

1. Welcome and Call to Order
2. Old Business
3. New Business
  - a. Update on MPD background check
  - b. Update on documents obtained from DC Superior Court
  - c. Update on Clemency Board website
4. Public Comments
5. Adjournment

**Meeting Link:**

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e32c1020532fc76c4d8e50e9d790042c1>

**Registration:** Please press Ctrl and click the link above to pre-register for the meeting.

**Registration password:** This meeting does not require a password for registration.

**Event number (access code):** 2300 488 2778

**Event password:** (password not required)

**Join the audio conference only:** 1-650-479-3208 Call-in toll number (US/Canada)

**Join from a video system or application:** Dial 23004882778@dcnet.webex.com

**You can also dial** 173.243.2.68 and enter your meeting number.

For additional information, please contact Lisa M. Wray, Executive Assistant at (202)724-7681 or [lisa.wray@dc.gov](mailto:lisa.wray@dc.gov).



## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## SOLICITATION OF COMMENTS

**Addendum to Elementary and Secondary Education Act (ESEA)  
Consolidated State Plan**

As the District continues to recover and respond to the COVID-19 pandemic, the Office of the State Superintendent of Education (OSSE) continues to prioritize public health and the safety of students and educators. At the same time, as the state education agency, OSSE remains committed to providing accurate and actionable school performance data to use in school accountability planning, including in regard to the District's assessment and accountability framework under the Elementary and Secondary Education Act (ESEA), (20 U.S.C. §§ 6301 *et seq.*). OSSE seeks public comments on proposed amendments to the District's ESEA Consolidated State Plan, which must be approved by the U.S. Department of Education.

Because of the challenges presented by the COVID-19 pandemic, OSSE received waivers from the U.S. Department of Education in school years 2019-20 and 2020-21 related to statewide assessments as well as accountability. OSSE recognizes the impact that these and other changes have on the data used for statewide accountability calculations in the School Transparency and Reporting (STAR) Framework. OSSE has determined that the absence of many data components from the 2019-20 and 2020-21 school years combined with the impacted data from the 2021-22 school year directly impacts the ability to implement the STAR Framework as specified in the District's ESEA Consolidated State Plan. It also further impacts the ability to use those data to measure annual meaningful differentiation as required in order to identify schools for improvement and support as mandated under ESEA.

As a result, OSSE seeks to amend the District's ESEA Consolidated State Plan to **remove the requirement for calculation of STAR Framework Scores and Ratings for the 2021-22 school year**. Additionally, OSSE will:

- Submit an **ESEA Accountability Addendum** to ask for accountability flexibility for the 2021-22 school year so that:
  - The **exit timeline** for existing Comprehensive Support 1 (CS 1) schools is **revised** to exclude the two prior waiver years from a school's exit timeline.
  - Annual **Meaningful Differentiation calculation** methodology is **revised** in Fall 2022 for the purposes of school designations.
    - School designations required for 2022 will be based upon calculations of available metrics combined with review of historical data.

- New **2022 designations** for comprehensive or targeted support (Comprehensive Support 1, Targeted Support 1 or Targeted Support 2) will have a **shortened designation timeline and revised exit criteria** focused on leading indicators that will lead to further improved student outcomes.
- Submit a **waiver to extend the number of years** CS 1 schools may receive federal **school improvement funding** in order to align with the revised exit timeline in the addendum.

OSSE values the use of data and recognizes how important it is, particularly now. OSSE is committed to reviewing all available data, as well as working with stakeholders to be able to provide information that is both meaningful as well as useful in improving programs and supports for all students and schools.

### **How to Submit Public Comments**

The 2022 ESEA Accountability Addendum is available on OSSE's website at: <https://osse.dc.gov/essa>. It will remain available for review and public comment through March 2, 2022. Public comments may be sent to [dcschoolreportcard@dc.gov](mailto:dcschoolreportcard@dc.gov).

If you have questions about the ESEA Accountability Addendum or any other information in this notice, please contact:

Donna Johnson  
Director of Accountability  
Data, Assessment, and Research (DAR)  
Office of the State Superintendent of Education (OSSE)  
1050 First Street, NE, 4<sup>th</sup> Floor  
Washington, DC 20002  
[DonnaR.Johnson@dc.gov](mailto:DonnaR.Johnson@dc.gov)  
202-545-7233

**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in (1) one Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 2F06**

Petition Circulation Period: **Monday, February 14, 2022 thru Monday, March 7, 2022**

Petition Challenge Period: **Thursday, March 10, 2022 thru Wednesday, March 16, 2022**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions by email at [candidate@dcboe.org](mailto:candidate@dcboe.org) or in-person by appointment at the following location:

**D.C. Board of Elections  
1015 - Half Street, SE, Suite 750  
Washington, DC 20003**

For more information, the public may call **202-727-2525**.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS****Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

**Carlo Perri**  
Single-Member District 1A03

**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**Clean Energy DC Plan 2.0**

The purpose of this grant is to provide DC residents, businesses, and government a clear set of actions they can take to reduce energy use and greenhouse gas emissions, and increase awareness on topics of energy, energy efficiency, and climate change by updating the Clean Energy DC Plan (CEDC 2.0). The plan will be developed using a community-based process that engages and educates the public and relevant stakeholder groups. The plan will have a transformational but actionable policy roadmap to decarbonize the District of Columbia's energy systems in the building, transportation, and energy sectors, and promote the utilization of "naturally-occurring" renewable energy, renewable heating and cooling, passive energy, and other alternative energy sources.

The amount available for the project is approximately \$450,000. This grant is funded by the Renewable Energy Development Fund (REDF), D.C. Official Code § 34-1436.

Beginning 02/11/2022, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [cedcrfa.grants@dc.gov](mailto:cedcrfa.grants@dc.gov) with "Request copy of RFA 2022-2119EA" in the subject line.

**The deadline for application submissions is 3/18/2022.** The online application must be time stamped by 11:59 p.m. on the date the application is due.

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

- ☒ -Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- ☐ -Faith-based organizations;
- ☒ -Government agencies;
- ☒ -Universities/educational institutions; and
- ☒ -Private Enterprises.

For additional information regarding this RFA, write to: [cedcrfa.grants@dc.gov](mailto:cedcrfa.grants@dc.gov).

## DEPARTMENT OF HEALTH CARE FINANCE

## PUBLIC NOTICE OF SECOND MATERNAL HEALTH ADVISORY GROUP MEETING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2018 Repl.)), hereby gives notice of the intent to hold the second virtual DHCF Maternal Health Advisory Group meeting on **Monday, February 28, 2022, from 10:00 AM to 11:30 AM**. The Maternal Health Advisory Group meeting will include a presentation on potential models for doula service coverage and existing policies to cover doula services in other states. The meeting will ask for feedback on reimbursement rates, the potential for incentive payments to doulas whose clients receive postpartum visits, and more. The meeting will address questions and take comments from all members of the public.

*DHCF Maternal Health Advisory Group*

Starting in January 2022, the DHCF Maternal Health Advisory Group will advise the DHCF on its expansion of maternal services and expanded coverage in FY22. The Maternal Health Advisory Group will meet between January 2022 and the end of the fiscal year to take public input on the service array, financial impact, and coverage needed to improve maternal health access and achieve more equitable maternal health outcomes through DHCF programs. The Advisory Group will advise on training, public outreach, program support, and other items related to implementation of new maternal health coverage and benefits.

Maternal Health Advisory Group members applied and were selected through a process described in [Medicaid Director Letter #21-07](#). Members of the Maternal Health Advisory Group can be found at this [link](#). Maternal Health Advisory Group members may consult on meeting agendas and are given preference to speak in certain segments of the call. All Maternal Health Advisory Group meetings will be open to the public to attend and contribute. The Maternal Health Advisory Group held its first meeting at 6:00 p.m. on Monday, January 31<sup>st</sup>, 2022. The agenda of the meeting may be found [here](#) and the presentation can be found [here](#).

*Coverage of doula services under District public health care programs*

The Fiscal Year 2022 Budget Support Act of 2021 (BSA), effective date of November 13, 2021 (D.C. Law 24-45), was enacted to support the fiscal year 2022 District budget. Section 5042 of the BSA amends the D.C. Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), to require the District to cover doula services in Medicaid, the D.C. HealthCare Alliance Program (Alliance), and Immigrant Children's Program (ICP) effective October 1, 2022. Coverage of doula services in the Medicaid program is subject to the approval of a State Plan Amendment (SPA) to the D.C. Medicaid State

Plan by the federal Centers for Medicare & Medicaid Services (CMS). The BSA also requires the District to consult organizations providing doula services on:

- 1) Setting competitive reimbursement rates for doula services;
- 2) Setting a reasonable number of doula visits to be reimbursed during the course of the pregnancy and postpartum period;
- 3) Developing program support and training for doula service providers to facilitate billing; and
- 4) Assessing the viability of incentive payments to doulas whose clients attend postpartum appointments with a medical provider.

#### *Expansion of postpartum coverage*

Current federal law and the D.C. Medicaid State Plan require only 60 days of Medicaid postpartum coverage. Effective April 1, 2022, section 9812 of the American Rescue Plan Act of 2021 (ARPA) (Pub. L. 117-2; 135 Stat. 4) temporarily allows the District and states to provide one year of Medicaid postpartum coverage. To effectuate this change, DHCF plans to submit a SPA to CMS for approval this fiscal year.

#### *Non-emergency medical transportation*

Section 5043 of the BSA requires the District to cover transportation costs for travel to and from non-emergency prenatal and postpartum health care appointments for Alliance beneficiaries. Non-emergency medical transportation (NEMT) was previously available as a “value added” benefit for Alliance beneficiaries enrolled in a managed care organization. This legislative change extends coverage of NEMT as a defined benefit for Alliance beneficiaries.

Individuals are encouraged to attend the second Maternal Health Advisory Group meeting by using the Microsoft Teams link below. To access the meeting through the computer, please use the link below. To access the meeting through the phone, dial 202-594-9550 and then enter Phone Conference ID: 114 588 038 4. Please note that accessing the Maternal Health Advisory Group meeting through the link is preferred due to audio issues and the ability to use the “Chat” function.

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZWExZmUzNjMtMWQ4NS00N2JkLWE5NGYtZDdiZDg1ZTJjOTQ3%40thread.v2/0?context=%7b%22Tid%22%3a%228fe449f1-8b94-4fb7-9906-6f939da82d73%22%2c%22Oid%22%3a%22a18d3e82-4d60-4d3d-91ed-393b1d7092ce%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZWExZmUzNjMtMWQ4NS00N2JkLWE5NGYtZDdiZDg1ZTJjOTQ3%40thread.v2/0?context=%7b%22Tid%22%3a%228fe449f1-8b94-4fb7-9906-6f939da82d73%22%2c%22Oid%22%3a%22a18d3e82-4d60-4d3d-91ed-393b1d7092ce%22%7d)

In advance of the Maternal Health Advisory Group meeting, interested parties may send written questions or comments to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at [melisa.byrd@dc.gov](mailto:melisa.byrd@dc.gov). Comments will also be taken verbally and in the chat box at the Advisory Group meeting.

For further information or to be contacted about future meetings related to maternal health, please contact [dhcf.maternalhealth@dc.gov](mailto:dhcf.maternalhealth@dc.gov). For background and more information, please see <https://dhcf.dc.gov/publication/maternal-health-projects>.

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY  
PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**REACCREDITATION CONSULTING SERVICES**

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Reaccreditation consulting services

Full RFP available by request. All proposals must be submitted in PDF format and emailed to [bids@ideapcs.org](mailto:bids@ideapcs.org) no later than 5:00 PM on Wednesday, February 23, 2022. No phone calls please.



**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Monitoring Based Commissioning (MBCx) and Ongoing Commissioning (OCx) Services**

KIPP DC is soliciting proposals from qualified vendors for Monitoring Based Commissioning (MBCx) and Ongoing Commissioning (OCx) Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on February 23, 2022. Questions can be addressed to [nathan.morris@kippdc.org](mailto:nathan.morris@kippdc.org).

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

**NOTICE OF FUNDING AVAILABILITY**

**FY 2022 LOCALLY MADE MANUFACTURING GRANT**

**Grant Identification No.: DMPED – FY22-03 LCLMADE**

The Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of proposals for the DC Local Equity, Access and Preservation Funds – Locally Made Manufacturing Grant Program (“Locally Made”) pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-328.04); “Great Streets Neighborhood Retail Priority Area Amendment Act of 2013” effective October 1, 2013 (D.C. Code § 2-1217.73b); DMPED will award up to a maximum of \$500,000.00 to grantees under this program.

**Purpose:** The Office of the Deputy Mayor recognizes manufacturing supply chains have become more complicated due to multiple suppliers, challenging international trade and import and export regulations, and the rapid acceleration of e-commerce demands and absorption, and the exacerbation of the COVID-19 global pandemic and public health emergency. Supply chains were distressed and, in some cases, disrupted. There is increasing need to manufacture and procure consumer goods locally.

Locally Made incentivizes and bolsters the Great Streets initiative to grow the District’s local small business economy and bolster neighborhoods with inadequate access to retail opportunities. The purpose of the Great Streets Initiative is to transform certain designated emerging commercial corridors into thriving, walkable, shoppable and inviting neighborhood experiences. DMPED invests in 13 retail priority areas, “Great Streets Corridors,” with the goal of creating livable, walkable, shoppable, community-serving retail experiences across all eight wards. The Great Streets Initiative does this by supporting existing businesses, attracting new businesses, increasing the District’s tax base, and creating new job opportunities for District residents.

DMPED believes that the industrial sector can and will flourish in the District, increase employment opportunities for local residents, and offer light manufacturing opportunities that provide economic stability, mitigate blight, and add vibrancy to our designated Great Streets corridors. The Locally Made Manufacturing grant will support qualified small businesses for the capital or tenant improvements of commercial property with a designated industrial use.

**Funding Priorities:** The Grant identified the following program funding priorities.

1. The Great Streets program grows the District’s local small business economy and bolsters neighborhoods with inadequate access to retail opportunities. DMPED seeks to invest in 13 retail priority areas, “Great Streets Corridors,” with the goal of creating livable, walkable, shoppable, community-serving retail experiences across all eight wards.

2. DMPED seeks to invest in small businesses:

- a. That are Local Business Enterprise (LBE) eligible;
- b. Have core operations which align with small to medium light manufacturing of fast (quickly produced?) consumer goods (i.e., dry goods, processed foods, beverages, baby food, consumer electronics, frozen food) and/or consumer durables (appliances, furniture, equipment);
- c. That currently operates or will operate within a designated Great Streets Corridor;
- d. That maintain and/or create new jobs, with a commitment to hire District residents;
- e. That serves or may serve a community anchor and impacts the Great Streets corridor and community by its presence, and
- f. That can support existing retailers and the designated Great Streets corridor's economic vitality by attracting new consumers and/or visitors to the area.

**Eligible businesses:** Existing small business whose core business aligns with light manufacturing and is located either within or plans to move to a Great Street Corridor are eligible (see map at: <http://ht.ly/m90F30cM0bz> ).

**Ineligible businesses:** Adult entertainment, Auto body repair, Bank, Bar or Nightclub, as defined by an ABRA license, Construction/general contracting/architecture/design-build, E-commerce business, Financial services, Home-based, Hotel, Liquor store, Phone store, Professional services, Real estate development/property management/realtor, Seasonal (open only part of the year).

**Award:** Based on the external and internal review panel recommendations, the Mayor's budget priorities, the resources available, the goal of achieving a balance as to communities served, and the goals of the program, DMPED will make the final funding decision. DMPED will award up **\$500,000.00** total in grants to be disbursed to successful applicants of the Grant. Maximum request per application is **\$100,000.00**.

Previously awarded businesses that received a total of **\$150,000.00** or more of funding from the Great Streets or H Street Grants Programs are not eligible.

**List of the Great Street Corridors:**

7<sup>th</sup> Street/Georgia Ave NW  
Connecticut Avenue NW  
Georgia Avenue NW  
H Street – Bladensburg Road NE Minnesota/Benning Road NE  
Martin Luther King Jr. Avenue SE/ South Capitol Street SE/SW  
New York Avenue NE  
North Capitol Street NW/NE  
Pennsylvania Avenue SE  
Wisconsin Avenue NW  
Nannie Helen Burroughs Avenue NE  
Rhode Island Avenue NE  
14<sup>th</sup> Street NW/U Street NW (Adams Morgan/Columbia Heights/Mt. Pleasant)

For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which will be posted at <http://dmped.dc.gov> by **Friday, February 25, 2022**.

**Period of Performance:** The Period of Performance under the Grant Agreement shall extend through September 30, 2022.

**Grant Information Sessions:** DMPED will host multiple virtual information and live web chat sessions on the Great Streets Corridors. Once confirmed, details about the information sessions will be posted on the Great Streets website at [www.greatstreets.dc.gov](http://www.greatstreets.dc.gov).

**Contact Name:** DMPED Grants Team **Phone:** 202.724-8111 **Email:** [dmped.grants@dc.gov](mailto:dmped.grants@dc.gov)

**Deadline for Electronic Submission:** Applicants must submit a completed online application to DMPED via the GrantVantage portal no later than 4:00 PM ET on **Friday, March 25, 2022**.

**OFFICE OF THE DEPUTY MAYOR  
FOR PLANNING AND ECONOMIC DEVELOPMENT  
NOTICE OF FUNDING AVAILABILITY  
FY 2022 NEIGHBORHOOD PROSPERITY FUND**

**Grant Identification No.: DMPED – FY22-03 NPF**

The Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of proposals for the Neighborhood Prosperity Fund (NPF) pursuant to DC Official Code §2- 1210.71. DMPED will award up to a maximum of \$4,000,000.00 million in FY22 to grantees under this program.

**Purpose:** NPF incentivizes community development, economic growth, and job creation by leveraging local funds to provide financing for projects that attract private investment to distressed communities. Grant funds support architectural and engineering costs, construction costs, tenant improvements, historical preservation building improvements to maintain compliance with applicable laws, development analysis, rent abatement and/or tenant concessions for up to 3 years to stabilize market rent.

**Funding Priorities:** The FY22 Neighborhood Prosperity Fund Grant identified the following program funding priorities and three-pronged investments strategy to support our communities.

1. Economic Growth and Employment

In the DC Economic Strategy, the administration’s vision is to become the “global model for inclusive prosperity”. The administration is guided by two measurable primary goals: (1) grow a vibrant and resilient economy driven by private sector expansion and (2) reduce unemployment across wards, races and educational attainment levels, bringing rates below 10% in all segments of the District by the end of 2022. DMPED will fund projects to fill the gaps in non-residential components of a mixed used project or commercial development project in targeted census tracts (identified later) with greater than 10% unemployment.

2. Food Access and Security

Mayor Bowser released the “Food Access & Food Security in the District of Columbia: Responding to the COVID-19 Public Health Emergency” report<sup>1</sup> that outlined the current state of food security in the District. Food insecurity is a chronic condition that existed before the onset of the public health emergency, when 10.6% of District residents were food insecure. COVID-19 has exacerbated food insecurity in the District, with even higher rates among vulnerable populations, including the elderly, children, undocumented individuals, and unhoused individuals.

DMPED will seek to fund projects whose activities will provide healthy food-related goods and services in communities that: (1) lack access to healthy food options; (2) indicate patterns of

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<sup>1</sup> Food Security Report - Food Access & Food Security in the District of Columbia: Responding to the COVID-19 Public Health Emergency (September 2020).

<https://dcfoodpolicy.org/foodsecurity2020/>

non-healthy food consumption (such as low rates of fruit and vegetable consumption); (3) suffer from poor health indicators (such as high rates of obesity, diabetes and other diet-related chronic disease); (4) have high concentrations of persons participating in food assistance programs (for instance, Supplemental Nutrition Assistance Program; Women, Infants, and Children food packages; school lunch programs); or (5) demonstrate other indications of need for healthy food interventions.

### 3. Healthcare Equity

The inaugural Health Equity Report for the District of Columbia (DC HER) 2018<sup>2</sup> provided a baseline assessment of health equity and opportunities for health in Washington DC. For Driver 7 – Medical Care, the report indicates that major investments over the past decade mean that primary care service supply and availability has expanded across the District, enough for the resident population. However, gaps persist, particularly in specialty services and urgent care.

The March of Dimes issued its “Nowhere to Go: Maternity Care Deserts Across the U.S.” report<sup>3</sup> discussing the unequal access to maternity care found throughout the nation, highlight current research, and elevate its impact on maternal and baby health. Although the District is not considered a maternal health desert, Ward 7 and 8 lags the rest of city for services. Access to quality maternity care is a critical component of maternal health and positive birth outcomes. Here also, COVID-19 is influencing the District and its response to think more critically and holistically about improvements in maternal and infant care.

DMPED will seek to fund projects whose activities will provide investment in healthcare infrastructure, including the construction, renovation, or expansion of upcoming health center projects serving low-income people and communities lacking adequate access to affordable care and provision of urgent care and/or maternal health care services.

**Eligibility:** Eligible applicants include 501(c)(3) non-profit corporations, joint ventures, partnerships, cooperatives, and limited liability types of companies, corporations, and for-profit and non-profit developers.

Eligible Projects are defined as projects that combine two or more of the following types of development: mixed used (commercial portion only), retail, food services office, or special purpose developments limited to urgent care centers and other health or medical facilities. Projects must be within the statutory boundaries of the Neighborhood Prosperity Fund. Prospective applicants can verify their location eligibility via the interactive mapping tool found at <http://arcg.is/OLz80>. Projects located outside of a qualifying Neighborhood Prosperity Fund statutory boundary will not be considered.

**Award:** Based on the external and internal review panel recommendations, the Mayor’s budget priorities, the resources available, the goal of achieving a balance as to communities served, and

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<sup>2</sup> Health Equity Report for the District of Columbia (DC HER) 2018 (February 2019).

<https://app.box.com/s/yspij8v81cxqyeb17gj3uifjumb7ufsw>

<sup>3</sup> March of Dimes Report - Nowhere to Go: Maternity Care Deserts Across the U.S. (September 2020) <https://www.marchofdimes.org/materials/2020-Maternity-Care-Report.pdf>

the goals of the program, DMPED will make the final funding decision. DMPED will award up **\$4,000,000.00** total in grants to be disbursed to successful applicants of the FY22 Neighborhood Prosperity Fund. Minimum request per application is \$250,000.00.

**Ineligible businesses:** adult entertainment, auto body repair, bank, bar or nightclub, as defined by an ABRA license, construction/general contracting/architecture/design-build, E-commerce business, financial services, home-based business, hotel, liquor store, phone store, professional services, real estate development/property management/realtor, seasonal (open only part of the year).

For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which will be posted at <http://dmped.dc.gov> by **Friday, February 25, 2022**.

**Deadline for Electronic Submission:** Applicants must submit a completed online application to DMPED via the GrantVantage portal no later than 4:00 PM ET on **Friday, March 25, 2022**.

**Award of Grants:** DMPED will award 1 or more grants for an aggregate total of \$4,000,000 million.

**Grant Information Sessions:** DMPED will host a virtual information and live web chat session on the Neighborhood Prosperity Fund. Once confirmed, details about the information sessions will be posted on the Great Streets website at <http://dmped.dc.gov>.

**Contact Name:** DMPED Grants Team; **Phone:** 202-724-8111; **Email:** [dmped.grants@dc.gov](mailto:dmped.grants@dc.gov).

**For More Information:** Visit NPF's website at <https://greatstreets.dc.gov/page/neighborhood-prosperity-fund-npf>. Questions may be sent to DMPED's Grants Manager, Fatima Scott, via email to [dmped.grants@dc.gov](mailto:dmped.grants@dc.gov).

**Reservations:** DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or it may rescind the NOFA or RFA at any time in its sole discretion.

**Period of Performance:** The Period of Performance under the Grant Agreement shall extend through September 30, 2022.

**Grant Information Sessions:** DMPED will host multiple virtual information and live web chat sessions on the Great Streets Corridors. Once confirmed, details about the information sessions will be posted on the Great Streets website at [www.greatstreets.dc.gov](http://www.greatstreets.dc.gov).

**Contact Name:** DMPED Grants Team **Phone:** 202.724-8111 **Email:** [dmped.grants@dc.gov](mailto:dmped.grants@dc.gov)

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

**February 11, 2022  
3:30 PM – 5:00 PM**

Please register for the Board Meeting Zoom Webinar at the below registration link. Due to enhanced security features, participants will need a Zoom account to receive access to either a Zoom link or a dial-in number.

**Webinar Registration:**

[https://dcpcsb.zoom.us/webinar/register/WN\\_kpyNvL3jR2acoveDjRTe3A](https://dcpcsb.zoom.us/webinar/register/WN_kpyNvL3jR2acoveDjRTe3A)

**Board Meeting Agenda**

<b>Public Meeting</b>	
<b>Item</b>	<b>Action</b>
Call to Order Public Meeting	No Action
Public Comment	No Action
Vote to close the Public Meeting and move to a Closed Executive Session to train and develop members of a public body and staff, pursuant to DC Code § 2-575(b)(12)	Vote
Board Training on Open Meetings Act	No Action
Vote to close Executive Session and adjourn the meeting	Vote

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



## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF**FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF UNIVERSAL SERVICE STANDARDS AND THE UNIVERSAL SERVICE TRUST FUND FOR THE DISTRICT OF COLUMBIA,**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code § 34-802 (2019 Repl.) and D.C. Official Code § 34-2003 (2019 Repl.), hereby gives notice of its intent to act upon the Application of Verizon Washington, DC Inc. (Verizon DC)<sup>1</sup> in the above-captioned matter. Pursuant to D.C. Official Code § 2-505 (2016 Repl.), the Commission will act upon the Application in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On January 27, 2022, Verizon DC filed an Application requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-No. 201**  
**Section 1A, 15<sup>th</sup> Revised Page 3**

3. Verizon DC identifies the proposed tariff amendment as an update to its District of Columbia Universal Service Trust Fund (DC USTF) surcharge, which is required by Chapter 28 of Title 15 of the District of Columbia Municipal Regulations (DCMR). The surcharge is being updated to true-up the 2020-2021 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2022 assessment. Verizon DC provides confidential calculations in its Attachment I. Verizon DC notes that its calculations in Attachment I are based on an implementation date of April 1, 2022. Any differential will be trued-up in the next DC USTF surcharge filing pursuant to 15 DCMR § 2815.4.<sup>2</sup>

4. With the approval of this Application, the monthly per line surcharge will be \$0.20 per non-Centrex line and \$0.02 per Centrex line. Verizon DC represents that this Application decreases the surcharge for Centrex lines by \$0.02 and for non-Centrex lines by \$0.15. Verizon DC represents that the decrease in the surcharge is due to the line loss experienced in 2021. Verizon DC requests approval of this tariff by mid-March 2022 so that this tariff would become effective April 1, 2022.<sup>3</sup>

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<sup>1</sup> *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, District of Columbia Universal Service Trust Fund Surcharge Compliance Filing - 2022 Surcharge (Verizon DC Application), filed January 27, 2022.

<sup>2</sup> Verizon DC Application at 2.

<sup>3</sup> Verizon DC Application at 2.

5. The proposed tariff revision is on file with the Commission and may be reviewed by visiting the Commission's website at [www.dcpSC.org](http://www.dcpSC.org). Once at the website, open the "eDocket" tab, click on the "Search Database" and input "FC988" as the case number and "1341" as the item number. Copies of the Verizon DC Application may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

6. All persons interested in commenting on Verizon DC's Application may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, at the Commission's website at [https://edocket.dcpSC.org/public/public\\_comments](https://edocket.dcpSC.org/public/public_comments). After the comment period has expired, the Commission will take final action on Verizon DC's Application.

## DISTRICT OF COLUMBIA RETIREMENT BOARD

## NOTICE OF PUBLIC MEETING

Board of Trustees  
February 17, 2022  
1:00 p.m.

900 7<sup>th</sup> Street, N.W.  
2<sup>nd</sup> Floor, DCRB Boardroom  
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open Board meeting on Thursday, February 17, 2022, at 1:00 p.m. The meeting will be held virtually via WebEx. A general agenda for the Open Board meeting is outlined below.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled and for WebEx information.* For additional information, please contact Johniece Harris, Board Liaison at (202) 343-3200 or [johniece.harris@dc.gov](mailto:johniece.harris@dc.gov).

## AGENDA

- |       |                                   |                 |
|-------|-----------------------------------|-----------------|
| I.    | Call to Order and Roll Call       | Chair Clark     |
| II.   | Approval of Board Meeting Minutes | Chair Clark     |
| III.  | Chair's Comments                  | Chair Clark     |
| IV.   | Executive Director's Report       | Mr. Balestrieri |
| V.    | Investment Committee Report       | Mr. Bress       |
| VI.   | Operations Committee Report       | Mr. Saunders    |
| VII.  | Benefits Committee Report         | Ms. Collins     |
| VIII. | Legislative Committee Report      | Mr. Blanchard   |
| IX.   | Audit Committee Report            | Mr. Harris      |
| X.    | Other Business                    | Chair Clark     |
| XI.   | Adjournment                       |                 |

**OFFICE OF THE SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA  
DISTRICT OF COLUMBIA COMPENSATED EMANCIPATION COMMISSION**

**NOTICE OF PUBLIC MEETING**

**Release Date: Friday, February 11, 2022**

The Office of the Secretary of the State of the District of Columbia has scheduled a meeting of the District of Columbia Compensated Emancipation Commission on:

**Thursday, February 17, 2022  
6:30 PM – 7:30 PM**

Members of the public are invited to join the meeting via WebEx at the link below:  
<https://dcnet.webex.com/dcnet/j.php?MTID=m232490b07ce9c380a19fd455897ce4b2>

Below is the meeting agenda:

**AGENDA**

- 1. Call to Order**  
**Commissioners Attending:**  
**OS Staff:**
- 2. Roll Call**
- 3. New Members**
- 4. OS Update**
- 5. Upcoming Events**
- 6. Open Discussion**
- 7. Adjournment**

The scheduled meeting dates for Calendar Year 2022 are:

- January 27, 2022 at 6:30 pm
- February 03, 2022 at 6:30 pm
- February 17, 2022 at 6:30 pm
- March 10, 2022 at 6:30 pm
- March 24, 2022 at 6:30 pm
- April 07, 2022 at 6:30 pm

This schedule is subject to change. The public may participate in the meeting using the link above. The link is also available on the Office of the Secretary of State's website at <https://os.dc.gov/page/dc-emancipation-day> and in the calendar on the Open Meetings website: <https://www.open-dc.gov/>.

Emancipation Day will be observed on Friday, April 15, 2022 in the District of Columbia. Inquiries concerning the meeting may be addressed to Alma Candelaria, Deputy Secretary, at 202-727-6306 or [secretary@dc.gov](mailto:secretary@dc.gov).

**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, 2022.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> 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 11, 2022. 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](http://www.os.dc.gov).

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

Effective: March 15, 2022

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Ajaoudi	Remy Roger	Deloitte 555 12th Street, NW, Suite 400	20004
Al Jurjees	Raghad	Exponent, Inc. 1150 Connecticut Avenue, NW, Suite 1100	20036
Alexander	Dawn	Self (Dual) 3307 Loud Place, SE	20019
Antonazzo	Nicole M.	Mid-Atlantic Settlement Services 1101 Vermont Avenue, NW	20005
Austin	Pamela Patricia	Boys Town Washington DC 4801 Sargent Road, NE	20017
Bea	Lanai	Skanska USA Commercial Development, Inc. 2112 Pennsylvania Avenue, NW, Suite 550	20037
Becton-Moody	Carolyn Romaine	Self (Dual) 1117 Wahler Place, SE	20032
Beltran	Heidi Carolina	Holland & Hart LLP 901 K Street, NW, Suite 850	20001
Boykin	Regina	Department of Veterans Affairs 50 Irving Street, NW, Suite 1D-140D	20422
Boykin	Timothy	Department of Veterans Affairs 810 Vermont Avenue, NW	20420
Braithwaite	Ryan Allan	Smart Settlements 2110 Vermont Avenue, NW	20001
Brennan	Edward G.	Public Properties, LLC 1010 Wisconsin Avenue, NW, Suite 650	20007
Briggs	Rose Marie	Perkins Coie, LLP 700 Thirteenth Street, NW, Suite 800	20005
Brown	Holly	Marriott Vacation Club 1130 Connecticut Avenue, NW, Suite 700	20005

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2022****Page 3 of 9**

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Brown	Kelli Marie	National Education Association 1201 16th Street, NW	20036
Cammarano	Andrea Cristina	Bank of America 1152 15th Street, NW, Suite 6000	20005
Carter	Robin	Self 4842 Texas Avenue, SE	20019
Chow	Christopher S.	PNC Bank 833 7th Street, NW	20001
Chuong	Lisa	Self 200 K Street, NE, #603	20002
Cisneros	Victoria	Rath Enterprises Inc. 4910 Massachusetts Avenue, NW, Suite 20	20016
Crawford	Roderick Jonathan	Arent Fox, LLP 1717 K Street, NW	20006
De Leon	Minerva Altagracia	Ambitax Consulting Services Inc 3931 14th Street, NW, Suite B	20011
Dixon	Ashley Shantel	Child and Family Services Agency 200 I Street, SE	20003
Eichhorn	Rachel Andrea	Smithsonian Institution 1000 Jefferson Drive, SW	20056
Emilcar	Patrice	Self 3927 7th Street, NE, #2	20017
Evans	Lisa M	Department of Justice - Federal Bureau of Prisons 320 First Street, NW	20534
Ferguson	Ronnell	Office of Notary Commissions and Authentications 441 4th Street, NW, Suite 810S	20001
Fleming	Tanya Deandra	MBI Health Services	

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2022****Page 4 of 9**

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		2041 Martin Luther King Jr. Avenue, SE, Suite 239	20019
Fowler	Chanae Nicole	National Association of Broadcasters 1 M Street, SE	20003
Garcia	Elaine Lana	Eaton DC 1201 K Street, NW	20005
Giles	Quavette Deniece	Self 3534 East Capitol Street, NE, #332	20019
Gowan	Cameron	Kutak Rock, LLP 1625 Eye Street, NW, Suite 800	20006
Graham	Bettie A.	Self 3125 P Street, SE	20020
Graves	Janisha	The UPS Store 3220 N Street, NW	20003
Green	Jaquette	Self 859 21st Street, NE, #9	20002
Gregorio	Sergio	Hurt & Injured, PLLC 1629 K Street, NW, Suite 300	20006
Griffin	Sophia	Penzance 1680 Wisconsin Avenue, NW, Suite 300	20007
Guzek	Nicholas	Coba Properties, LLC 1716 14th Street, NW, Suite 300	20009
Hammadi	Mariam	CitiBank 5700 Connecticut Avenue, NW	20015
Harlequin	Sharlyn	District Offices 1025 Connecticut Avenue, NW, Suite 1000	20036
Harrington	LaToya	Faith Tabernacle of Prayer 2465 Alabama Avenue, SE	20020



**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2022****Page 5 of 9**

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Hattery	Sophia Lee- Keikiokalani	Darby International Capital LLC  2112 Pennsylvania Avenue, NW, Suite 620	20037
Henchman	Joseph	Self 415 W Street, NE, #A	20002
Henderson	Wakita	Self 1550 27th Street, SE, #103	20020
Hernandez	Olimpia E.	United States Senate Disbursing Office 127 Hart Senate Office Building, NE	20510
Higgins	Maryna	Quona Capital, LLC 1101 15th Street, NW, Suite 401	20005
Hunter	Dianna C.	Eversheds Sutherland LLP 700 6th Street, NW	20001
Hustings	Megan	Self 1806 Wyoming Avenue, NW, #B	20009
Ishtiwi	Norma	Hilton Grand Vacations 1250 22nd Street, NW	20037
Jones Jr	Charles Lee	Menkiti Group 3401 8th Street, NE	20017
Key	Ashley Shantel	Self 5425 Connecticut Avenue, NW, #101	20015
Kurwitz, III	Richard Aurthur	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Lamoth	Nadine Nicole	Wells Fargo Bank 215 Pennsylvania Avenue, SE	20003
Lawes	Shelly	Fried Frank Harris Shriver & Jacobson, LLP 801 17th Street, NW	20006
Lee	Kwanjun	Alphatec PC	

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

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		1525 18th Street, NW	20036
Martinez Duron	Melbyn A.	TD Bank	
		905 Rhode Island Avenue, NE	20018
Mathis	Debra L	DC Water and Sewer Authority 1385 Canal Street, SE	20003
McAlpine	Tiffany	U.S. Department of Transportation/Federal Railroad Administration 1200 New Jersey Avenue, SE	20590
McEachern	Jennifer M.	Eversheds Sutherland, LLP 700 6th Street, NW	20001
McLeary	Tiffany Deborah Savon	Self	
		5011 B Street, SE, #301	20019
McPherson	Keichele	Self 6206 7th Street, NW	20011
McPherson- McRae	Teresita Katrina	State Department Federal Credit Union  2201 C Street, NW	20520
Morales	Hernan	Self (Dual) 1375 Monroe Street, NW	20010
Newman Edelen	Janet	Foster Garvey, PC  1000 Potomac Street, NW, Suite 200	20007
Owusu	Charles Kojo	KO Notary & Financial LLC 4123 Lee Street, NE	20019
Palmer	Jennifer LaShawn	Skanska USA Commercial Development Inc. 2112 Pennsylvania Avenue, NW, Suite 550	20037
Parker	C. Edward	UPS Store 1835 7th Street, NW	20001

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2022****Page 7 of 9**

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Peoples	Iris	EIG 600 New Hampshire Avenue, NW, Suite 1200	20037
Perkins	Brenda C.	Department of Human Services 64 New York Avenue, NE	20002
Rafferty	Jason William	Engenium Group 1017 O Street, NW	20001
Raine	Kennea Evonne	Self (Dual) 806 Channing Place, NE, Apartment 218	20018
Ravenel	Dayna	Self 1938 1st Street, NW, Unit B	20001
Rhinehart	Stacey B.	The Department of Housing and Urban Development 451 7th Street, SW	20410
Richards	Jo Ann F.	Export-Import Bank of the United States 811 Vermont Avenue, NW, Suite 847	20571
Richardson	Audra D.	Uptown Notary 211 Elm Street, NW, Suite 104	20001
Rivera	Erica	Gensler 2020 K Street, NW	20006
Roberts	Ralea	Self 3139 Cherry Road, NE	20018
Robertson	Alina	Planet Depos 1100 Connecticut Avenue, NW	20036
Ross	Rochelle	Department of Health and Human Services 200 Independence Avenue, SW	20201
Roye	Rocheal R.	Self (Dual) 4828 7th Street, NW	20011
Rush	Shaelin	Self 4919 Jay Street, NE, #24	20019

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

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Sacks	Michael W.	National Capital Title & Escrow, LLC 1416 P Street, NW	20005
Salas	Franklyn Jesus	Smart Settlements, LLC 2110 Vermont Avenue, NW	20009
Slavis	Edward	Coba Properties LLC 1714 14th Street, NW, Suite 300	20009
Stewart	Alexis Lashawn	Self 2620 Bowen Road, SE, Apt 214	20020
Stewart	Sorina Bucsa	Revolution, LLC 1717 Rhode Island Avenue, NW, 9th Floor	20036
Suthar	Kalpesh	Physicians Committee for Responsible Medicine (PCRM) 5100 Wisconsin Avenue, NW, Suite 400	20016
test-0001	test-0001	test 234 test Avenue, NW	20001
Thapa	Serena Grace	Arnold & Porter 601 Massachusetts Avenue, NW	20001
Thaxton	Tari A.	Self 314 16th Street, NE	20002
Thomas	Aishia C.	Self 4920 Call Place, SE, #A2	20019
Thomas	Brenda Sue	D.C. Bar Pro Bono Center 901 4th Street, NW	20001
Turner	Nicola	Self (Dual) 1027 Cook Drive, SE	20032
Vannall Wallace	Brigette Maria	Robert F. Kennedy Human Rights  1300 19th Street, NW, Suite 750	  20036

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

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Varela-Alvarez	Omar Erik	Arnold & Porter Kaye Scholer, LLP 601 Massachusetts Avenue, NW	20001
Walker	Johanna	Wells Fargo Bank 609 H Street, NE, Suite 100 A	20002
Walker	Karyn Nichole	Tia Ellis Photography 5209 D Street, SE	20019
Washington	Phillip	Crowell & Moring, LLP 1001 Pennsylvania Avenue, NW	20004
Wei	Kenneth	Birchstone Moore, LLC 2233 Wisconsin Avenue, NW, Suite 400	20007
White	Yvonne L.	Signed N Sealed, LLC 851 HR Drive, SE	20032
Whittaker	Tiffani K.	Allied Title and Escrow 1100 Vermont Avenue, NW, Suite 500	20018
Willett	Arlin C.	Carr Properties 1615 L Street, NW, Suite 650	20036
Zackowitz	Leah	MV+A Architects 1200 G Street, NW, Suite 250	20005
Zuniga	Yesica	Child and Family Services Agency 200 I Street, SE	20003

## THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL

## NOTICE OF REQUEST FOR PROPOSALS

## Caterer for Fund-raising Gala

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school located in Southeast Washington, DC—seeks a caterer to provide food and logistical support for its annual fund-raising gala to be held in Spring 2022.

**Full RFP:**

Interested parties can find the full Request For Proposals at the following link:

<https://thurgoodmarshallacademy.org/about/employment-opportunities/>

They can also obtain the full RFP by emailing David Schlossman, [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org).

**Questions & Information:**

- Please address questions concerning this RFP to **David Schlossman**, [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org), 202-276-4722.
- Amendments/changes (if any) to the RFP will be posted at the website link above.
- By bidding, vendors agree to Thurgood Marshall Academy's General Conditions Statement (found at the link above).
- Further information about Thurgood Marshall Academy—including the school's nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

**Deadline & Submission:**

- Submissions must respond to the full RFP.
- All submissions shall be sent by email to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) with a **25-page limit and a 5 MB file-size limit** (including exhibits) by **Wednesday, February 23, 2022, at 5:00 pm, Washington, DC, time**. Earlier submissions are encouraged.

## THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL

## NOTICE OF REQUEST FOR PROPOSALS

## Travel Agency

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter school located in Southeast Washington, DC—seeks a travel agency to arrange lodging and other services for roughly 75 students and adult chaperones on a multi-city educational trip in the Spring of 2022.

Details appear in the full RFP available at <https://thurgoodmarshallacademy.org/about/employment-opportunities/> or by emailing [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org).

Amendments/changes (if any) to the RFP—including but not limited to deadline extensions—will be posted on the webpage linked above.

By bidding, vendors agree to Thurgood Marshall Academy’s General Conditions Statement (also found at the link above).

The school may cover a portion of project costs with federal funds at a percentage to be determined based on availability of funds.

For further information about the bid contact David Schlossman, [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org), 202-276-4722. Further information about Thurgood Marshall Academy—including the school’s nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

**Deadline & Submission:**

- Bids/quotations should respond to the full RFP
- Bids/quotations should not exceed **10-page and a 5 MB file-size limit**
- Email bids/quotations to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org)
- Review of bids/quotations will begin after **February 23, 2022**

**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 hold a meeting on Thursday, February 24, 2022, at 9:30 a.m. The meeting will be held in the Board Room (2<sup>nd</sup> floor) at 1385 Canal Street, S.E., 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](http://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 this meeting.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dcwater.com](mailto:linda.manley@dcwater.com).

**DRAFT AGENDA**

- |  |                                      |
|--|--------------------------------------|
| 1. Call to Order                           | Committee Chairperson                |
| 2. Roll Call                               | Board Secretary                      |
| 3. January 2022 Financial Report           | Director, Budget                     |
| 4. Action Items                            | CFO and EVP, Finance and Procurement |
| 5. Agenda for March 2022 Committee Meeting | Committee Chairperson                |
| 6. Executive Session                       | Committee Chairperson                |
| 7. 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 hold a meeting on Tuesday, February 22, 2022 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](http://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 this meeting.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dewater.com](mailto:lmanley@dewater.com).

**DRAFT AGENDA**

- |  |                                       |
|--|---------------------------------------|
| 1. Call to Order                               | Committee Chairperson                 |
| 2. Roll Call                                   | Board Secretary                       |
| 3. Monthly Updates                             | CFO and EVP,<br>Finance & Procurement |
| 4. Committee Work Plan                         | CFO and EVP,<br>Finance & Procurement |
| 5. Agenda for March 22, 2022 Committee Meeting | Committee Chairperson                 |
| 6. Other Business                              | CFO and EVP,<br>Finance & Procurement |
| 7. Executive Session                           | Committee Chairperson                 |
| 8. Adjournment                                 | Committee Chairperson                 |

**DC WORKFORCE INVESTMENT COUNCIL****NOTICE OF FUNDING AVAILABILITY (NOFA)****FY2022 CAREER COACH DC (CCDC) GRANT**

The District of Columbia (“DC” or “District”) Workforce Investment Council (WIC) is soliciting grant applications from eligible applicants to provide career coaching services to DC residents affected by the COVID-19 pandemic and economic downturn.

The goal of this grant is to expand the capacity of the public workforce system to support DC residents seeking to connect with education, workforce training, employment, and other services they may require to be able to successfully connect to or progress in their careers.

WIC’s FY2022 Career Coach DC Grant program will grant one (1) award under this NOFA of funds **up to \$3,400,000 per budget period for career coaching services to DC residents affected by the COVID-19 pandemic and economic downturn.**

**Important Dates**

Announcement Date: January 5, 2022

Submission Deadline: February 18, 2022 @ 12:00pm

Anticipated Award Period: February 28, 2022 – September 30, 2023

**Information Session: January 14, 2022 @ 1-2:00pm****Information Session Webex link:**

<https://dcnet.webex.com/webappng/sites/dcnet/meeting/download/65afe14d30e24f86a3090905613794cf?siteurl=dcnet&MTID=m8ef6d1cd66259be211990f95a0a23da0>

Instructions on how to apply can be found in the Request for Applications (RFA) which is posted to [dcworks.dc.gov](https://dcworks.dc.gov) and [communityaffairs.dc.gov](https://communityaffairs.dc.gov). Late submissions and incomplete applications will not be forwarded to the review panel.

**Selection Process:** WIC will select grant recipients through a competitive application process.

**For More Information:** Please attend an information session or refer to the Request for Applications for more detailed information.

Questions may be sent to [dcworks@dc.gov](mailto:dcworks@dc.gov).

**DC WORKFORCE INVESTMENT COUNCIL****NOTICE OF FUNDING AVAILABILITY (NOFA)****FY2022 EMPLOYER PARTNERSHIP TRAINING GRANT**

The District of Columbia (“DC” or “District”) Workforce Investment Council (WIC) is soliciting grant applications from eligible applicants to develop and implement occupational skills training programs for DC residents or upskilling training programs for incumbent workers.

The goal of this grant is to support businesses in investing in opportunities to prepare DC residents to succeed and advance in a rapidly changing economic environment through developing in their in-demand skills. In addition, the grant will help employers fill high-demand occupations while expanding access to job training programs for District residents.

WIC’s Employer Partnership Training Grant program will grant awards under this NOFA of funds **up to \$750,000 per year for incumbent worker training or occupational skills training programs for DC residents** (“Grant Awards”).

**Eligible Applicants:** Eligible applicants include single employer, multi-employer consortium, or an employer or industry association or organization. Applicants are up to date on their requisite taxes, licenses, and permits in the District of Columbia.

GRANT ROUND	APPLICATION DUE DATE	ANTICIPATED AWARD PERIOD
#1	January 26, 2022	February 18 - September 30, 2022
#2	April 15, 2022	May 6 – September 30, 2022

**Grant Round #1**

Announcement Date: December 10th

Information Session: December 15, 2021 @ 12-1:00pm

Submission Deadline: January 26, 2022 @ 8:00pm EST

Webex link: [dcnet.webex.com/dcnet/j.php?MTID=m6502e53620bfcff1f0a6a81a1cd9af13](https://dcnet.webex.com/dcnet/j.php?MTID=m6502e53620bfcff1f0a6a81a1cd9af13)

**Grant Round #2**

Information Session: February 15, 2022 @ 10:00-11:00am

Submission Deadline: April 15, 2022 @ 8:00pm EST

Webex link: [dcnet.webex.com/dcnet/j.php?MTID=mcd2426c2a7a0289dc5b60e323206d7af](https://dcnet.webex.com/dcnet/j.php?MTID=mcd2426c2a7a0289dc5b60e323206d7af)

Instructions on how to apply can be found in the Request for Applications (RFA) which is posted to [dcworkds.dc.gov](https://dcworkds.dc.gov) and [communityaffairs.dc.gov](https://communityaffairs.dc.gov). Late submissions and incomplete applications will not be forwarded to the review panel.

**Selection Process:** WIC will select grant recipients through a competitive application process.

**For More Information:** Please attend an information session or refer to the Request for Applications for more detailed information.

Questions may be sent to [dcworks@dc.gov](mailto:dcworks@dc.gov).

**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC MEETING NOTICE  
WEDNESDAY, APRIL 27, 2022  
VIRTUAL MEETING via WEBEX**

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

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

**EXPEDITED REVIEW**

**WARD SIX**

<b>Application of:</b>	<b>Terry Carr</b>
<b>Case No.:</b>	<b>20684</b>
<b>Address:</b>	428 11th Street S.E. (Square 992, Lot 805)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2)</li><li>• the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201; and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201; and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear, two-story addition, to an existing, detached two-story with basement, principal dwelling unit in the RF-1 Zone.

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**WARD THREE**

<b>Application of:</b>	<b>Nina Wu and Jeremy Strauss</b>
<b>Case No.:</b>	<b>20694</b>
<b>Address:</b>	4419 Harrison Street N.W. (Square 1580, Lot 30)
<b>ANC:</b>	<b>3E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"><li>the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a front one-story addition, and a rear, two-story with cellar and deck addition, to an existing, semi-detached, two-story with cellar, principal dwelling unit, in the R-2 Zone.

**WARD THREE**

<b>Application of:</b>	<b>Maria Mercedes Mateo Diaz</b>
<b>Case No.:</b>	<b>20695</b>
<b>Address:</b>	2046 37 <sup>th</sup> Street N.W. (Square 1301, Lot 864)
<b>ANC:</b>	<b>3B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li><li>the rear yard requirements of Subtitle D § 306.1 (pursuant to Subtitles D § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear deck addition, to an existing, attached, two-story with basement, principal dwelling unit, in the R-3 Zone.

## REVISED BZA PUBLIC MEETING NOTICE

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**WARD SIX**

<b>Application of:</b>	<b>Dr. Alice Bellis</b>
<b>Case No.:</b>	<b>20700</b>
<b>Address:</b>	1415 Potomac Avenue S.E. (Square 1065NE, Lot 21)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"><li>• the lot area requirements of Subtitle E § 201.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li><li>• the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitles E §§ 205.5 and 5201; and Subtitle X § 901.2)</li><li>• the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li><li>• the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li></ul>
<b>Project:</b>	To construct a rear, two-story addition with deck, to an existing, attached, two-story with cellar, principal dwelling unit, in the RF-1 Zone.

**PLEASE NOTE:**

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

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

## REVISED BZA PUBLIC MEETING NOTICE

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

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

**Do you need assistance to participate?**Amharic

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

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

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

Spanish

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

Vietnamese

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

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



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

**FREDERICK L. HILL, CHAIRPERSON**

**LORNA L. JOHN, VICE-CHAIRPERSON**

**CARL BLAKE, 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**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**BZA Application No. 19124-C  
MR 622 Eye Street Land, LLC and ACY and YL Cheng, LLC  
Eye Street, NW (Square 453, Lots 40, 50, 815-819, 821, 835, 843, and 844)**

**HEARING DATE (19124):** December 8, 2015, and May 24, 2016  
**DECISION DATE (19124):** February 2, March 8, May 24, September 20, 2016  
**ORDER ISSUANCE DATE (19124):** September 28, 2016

**DECISION DATE (19124-A):** July 25, 2018  
**ORDER ISSUANCE DATE (19124-A):** August 3, 2018

**ORDER ISSUANCE DATE (19124-B):** February 9, 2021

**DECISION DATE (19124-C):** January 26, 2022

**SUMMARY ORDER ON REQUEST FOR  
TWO-YEAR TIME EXTENSION**

**ORIGINAL APPLICATION.** In Application No. 19124, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) approved the request by MR 622 Eye Street Land, LLC and ACY and YL Cheng, LLC<sup>1</sup> (the “**Applicant**”) for a variance from the closed court width and area requirements under § 776, and special exception relief from the penthouse setback requirements under §§ 411 and 777.1, to allow the construction of a new mixed-use residential building in the DD/C-3-C District<sup>2</sup>. The Board issued Order No. 19124 on September 28, 2016 (Exhibit 2B). 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.

**FIRST REQUEST FOR TWO-YEAR TIME EXTENSION.** The Board granted the Applicant’s first request for a two-year time extension in Order No. 19124-A, noting that the Order would be valid until September 28, 2020 (Exhibit 2C.) Pursuant to Z.C. Order No. 20-07, effective August 7, 2020, the Zoning Commission extended the validity of all Zoning Commission and BZA

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<sup>1</sup> The Applicant in the original Application No. 19124 was known as Eye Street JV LLC.

<sup>2</sup> The 1958 Zoning Regulations were in effect when BZA Case No. 19124 was heard and decided by the Board. The 1958 Zoning Regulations were repealed and replaced in their entirety by the 2016 Zoning Regulations on September 6, 2016. Pursuant to Subtitle A § 106 of the 2016 Zoning Regulations, the construction authorized by BZA Order No. 19124 is vested and is subject only to the provisions of the 1958 Zoning Regulations.

orders scheduled to expire between April 27 and December 31, 2020, by six months due to the COVID-19 pandemic and resulting modifications of District government operations. Accordingly, BZA Order No. 19124-A was automatically extended by six months to expire on March 28, 2021.

**REQUEST FOR ONE-YEAR COVID-19 TIME EXTENSION.** The Applicant's request for a one-year Covid-19 time extension, pursuant to Subtitle Y § 705.7, was administratively granted in Order No. 19124-B, noting that the Order would be valid until March 28, 2022. (Exhibit 2D.)

**REQUEST FOR TWO-YEAR TIME EXTENSION.** On December 10, 2021, the Applicant submitted a request that the Board grant a two-year extension of Order No. 19124, as extended by Order Nos. 19124-A and 19124-B. (Exhibits 1-4.)

**NOTICE OF THE REQUEST.** Pursuant to Subtitle Y §§ 705.2(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 2.)

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2C.

**ANC REPORT.** The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 14, 2021, at which a quorum was present, the ANC voted to support the request. (Exhibit 5.)

**OFFICE OF PLANNING ("OP") REPORT.** OP submitted a report recommending approval of the time extension. (Exhibit 6.)

**DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT.** DDOT did not submit a report to the record.

### **CONCLUSIONS**

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 § 705.2(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 § 705.2(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 § 705.2(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

**BZA ORDER NO. 19124-C**

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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 § 705.2 to extend the validity of the underlying order.

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.

### **DECISION**

It is therefore **ORDERED** that the request for a two-year time extension to the validity of the Board's approval in Order No. 19124 is hereby **APPROVED**, and the Order shall be valid until **March 28, 2024**.

**VOTE: 4-0-1** (Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; Frederick L. Hill not present, not participating)

### **BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 1, 2022

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20290 of Vitis Investments LLC**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2 to convert an existing detached principal dwelling unit to a 7-unit apartment house in the RF-1 Zone at premises 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807).<sup>1</sup>

**HEARING DATES:** October 21 and December 9, 2020<sup>2</sup>

**DECISION DATE:** January 13, 2021

**DECISION AND ORDER**

The application was filed on April 6, 2020 by Vitis Investments LLC, the owner of the property that is the subject of the application (the “Applicant”). Following public hearing, the Board voted to approve the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated July 30, 2020, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 1 as well as the Chairman and three at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 1B, the ANC in which the subject property is located, Single Member District ANC 1B01, and the owners of all property within 200 feet on the subject property. Notice was published in the

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<sup>1</sup> The original self-certification (Ex. 6), dated April 6, 2020, sought a special exception under Subtitle U § 320.2 to allow a conversion to an 11-unit apartment house as well as variances from the 900 square feet requirement of Subtitle U § 320.2(d) and from the 35-foot height limitation of Subtitle E § 303.1. An updated self-certification (Ex. 16C), dated May 29, 2020, revised the request for variance relief under Subtitle E § 303.1 to a request for special exception relief under that regulation. A second updated self-certification (Ex. 39E), dated October 19, 2020, withdrew the requested zoning relief under Subtitle U § 320.2(d) (the 900-square-foot requirement) and Subtitle E § 303.1 (building height) and revised the special exception request under Subtitle U § 320.2 to allow conversion of the existing building to a seven-unit apartment house.

<sup>2</sup> At the October 21, 2020 virtual public hearing, the Board granted the Applicant’s request for a postponement to December 9. (Hearing Transcript (“Tr.”), p. 60).

*District of Columbia Register* on October 2, 2020. (67 DCR 11412.)<sup>3</sup>

Party Status. The Applicant and ANC 1B were automatically parties in this proceeding. The Board granted party status in opposition to the application to Chetan Chandra and Meghann Teague, who reside in an abutting property at 417 T Street, N.W. (“Party Opponents”). (Ex. 34.)

Applicant’s Case. The Applicant was represented by Martin Sullivan of Sullivan & Barros, LLP. At the December 9, 2020 virtual public hearing, the Applicant provided evidence and testimony in support of the application from Christopher Agorsor, the principal with the Applicant; and from Emilie Rottman, an architect.

OP Report. By memorandum dated November 24, 2020, OP recommended approval of the zoning relief finally requested by the Applicant. (Ex. 50.) OP concluded that the amended application met the requirements for the conversion of an existing residential building to an apartment house in an RF zone under Subtitle U § 320.2, as amended by Zoning Commission Order No. 19-21, dated September 14, 2020; as well as the general special exception review standards under Subtitle X § 901.2.

DDOT. By memorandum dated July 14, 2020, DDOT stated that it had no objection to the approval of the zoning relief requested in the original application on the condition that the Applicant provides the required long-term bicycle parking spaces. (Ex. 18.)

ANC. On June 10, 2020, ANC 1B filed an ANC Report on Form 129. (Ex. 17.) In the report, the ANC, which met on April 6, 2020 at a duly noticed public meeting with a quorum present, reported that it supported the Applicant’s request for zoning relief under the original application. The report stated that the Applicant amended its proposal to include a mix of Inclusionary Zoning (“IZ”) units at the request of the ANC and the community. On November 16, 2020, ANC 1B filed an updated report on Form 129. (Ex. 47.) In the report, the ANC, which stated that it met on May 11, 2020, reported that it continued to support the project and the requested special exception relief under Subtitle U § 320.2.

Party in opposition. The Party Opponents opposed the proposed residential conversion. The Party Opponents argued that the proposed conversion would have adverse consequences on adjoining and neighboring properties with respect to the amount, location and removal of trash; window wells that would threaten the structural integrity of neighboring homes; and parking.

Persons in opposition. The Board heard testimony and received letters in opposition to the application from residents living in the vicinity of the subject property, who generally cited concerns with the size of the addition proposed in the original application; the width of the alley and trash collection; a residential conversion in an RF-1 zone generally; the project’s side-yard setbacks; the depth of the project; parking; density; the income requirements for the IZ units; and

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<sup>3</sup> Notice was published in the *D.C. Register* 19 days before the scheduled October 21 hearing. Under Subtitle Y § 402.1(a), notice is required 40 days in advance. At the October 21 hearing, the Board approved a motion under Subtitle Y § 402.11 to waive the forty-day notice requirement. (Tr. at 56.)

alleged misrepresentations on the part of the Applicant. On May 27, 2021, the LeDroit Park Civic Association (“LCPA”) filed a letter that urged the BZA to deny the relief sought by the Applicant in the original application. (Ex. 15.) On October 30, 2020, LCPA also filed a resolution in opposition to the amended application for zoning relief. (Ex. 46.) The Board received a letter from the Committee of 100 on the Federal City also in opposition to the proposed project. (Ex. 55.)

## FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the north side of T Street N.W. with an address of 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807).
2. The property is presently configured as three tax lots. Lot 804 has 50 feet of frontage on T Street. Lot 805 abuts Lot 804 to the north, and Lot 807 abuts the northeastern portion of Lot 805. The eastern boundaries of the three lots are flush. The western boundaries of Lots 804 and 805 are flush, and the western boundary of Lot 807 is set back 20 feet from the western boundaries of Lots 804 and 805.
3. Lot 804 is a rectangular lot that is 112 feet deep and 50 feet wide, with an area of 5,600 square feet. Lot 805 is a rectangular lot that is 28 feet deep and 50 feet wide, with an area of 1,400 square feet. Lot 807 is roughly a square lot that is 29 feet deep and 30 feet wide, with an area of 870 square feet.
4. The Applicant will subdivide the three tax lots to create a new record lot, Lot 13. The total lot area of the new record lot will be 7,870 square feet. The eastern boundary of the lot will be 169 feet.
5. Lot 805 and the northeastern corner of Lot 804 abut a public alley that extends east-west from 4<sup>th</sup> Street to the subject property. The alley is 10 feet wide before turning to the north, widening to approximately 25 feet before terminating at the rear of a property fronting on U Street.
6. The alley terminates to the east of the boundary between Lots 805 and 807 and in front of a two-car garage at the rear of the property fronting on U Street. The eastern boundary of Lot 807 abuts the garage.
7. The existing structure on Lot 804 is a three-story, detached principal dwelling. It was constructed prior to 1876. (Ex. 49C, p. SD5.2.) It is “sometimes known as the historic Butterworth mansion.” (Ex. 14 at 1.)
8. The existing dwelling is 39 feet and 8 inches in height.
9. The existing dwelling has a 76-foot rear-yard setback.

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10. To the east, the existing dwelling has a non-conforming side-yard setback of 4.6 feet. To the west, the dwelling has a non-conforming side-yard setback of 2.7 feet.
11. Lots 805 and 807 are unimproved.
12. Abutting the property to the west is the Howard University Day Care Center. The center is approximately 25 feet in height. It is set back a considerable distance from T Street. It also has a significant side-yard setback to the east.
13. Abutting the property to the east is a single-family row dwelling owned by the Party Opponents. At its narrowest, the distance between that dwelling and the existing dwelling on the subject property is 4.6 feet. The existing dwelling on the Applicant's property has several east-facing windows.
14. The properties abutting the subject property to the north are improved with semi-detached principal dwellings that front on U Street, N.W. Both of the U Street dwellings have rear-yard setbacks of indeterminate length.
15. The amended application seeks special exception relief under Subtitle U § 320.2 to convert the existing structure, with an addition, into a 7-unit apartment house. Two of the seven units will be IZ units.
16. The two IZ units will be made available to households that earn 80% of the area median income. One IZ unit will be a four-bedroom unit at the front of the first floor with a view of T Street. The second IZ unit will be at the front of the second floor with a view of T Street.
17. The three-story addition to the existing dwelling will be 32 feet and 1 inch in height, consistent with Subtitle E § 303.1 (35 feet and three stories allowed).
18. The project will have a permissible lot occupancy under Subtitle E § 304.1 (60%) of 42.6%.
19. The lot area for conversion will equal 1,124 square feet per unit, well above the 900 square foot requirement of Subtitle U § 320.2(d).
20. The apartment house will have a conforming rear yard setback under Subtitle C § 306 (20 feet) of 48 feet two and three-quarters inches.
21. The addition will extend the eastern side yard of the existing building (4.6 feet) as permitted under Subtitle E § 207.4 (3 feet).
22. The addition will extend the western side yard of the existing building (3.75 feet) as permitted under Subtitle E § 207.4 (3 feet).

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23. The addition to the existing building will include windows and a balcony that face east toward 417 T Street.
24. The project will retain the original slate roof of the existing dwelling.
25. The Applicant will provide 5 vehicle parking spaces for the apartment house.
26. Applicant will provide 8 bicycle parking spaces in the apartment house. (Ex. 65B.)
27. The Applicant will contract with a private trash collection company for trash collection from the alley. (Ex. 59.)
28. Homes along T Street, N.W. between 4<sup>th</sup> Street, N.W. and 5<sup>th</sup> Street, N.W. have their trash collected along T Street and not from the alley. (Tr. at 360.)
29. The apartment house must have its trash stored near and collected from the alley (Ex. 18).
30. The apartment house would be the only property along T Street, N.W. between 4<sup>th</sup> Street N.W. and 5<sup>th</sup> Street N.W. to have its trash collected from the alley. (Tr. at 360.)
31. Trash storage will be provided entirely on the subject property between the parking spaces and the alley. (Ex. 59F.) Plantings between the trash bins and the alley will provide a buffer between the trash bins and the neighboring properties. (Ex. 59.)
32. Trash will not be stored in the alley or on adjacent properties. (Ex. 59F.)
33. The property is located in the LeDroit Park Historic District. By vote taken on December 3, 2020, the Historic Preservation Review Board approved the subdivision to create a new record lot and found the Applicant's revised concept design for a three-story rear addition compatible with the character of the existing house and the historic district, contingent on a reduction in height of the bay projection on the west elevation. (Ex. 60G.)
34. The subject property is located within one-half mile of a Metrorail station (Shaw-Howard University).
35. The window wells for the apartment house will be located entirely on the project's property. (Ex. 59.) Construction matters related to the planned window wells are under the purview of DCRA and not zoning related or under the purview of the Board.
37. The property is located in a Residential Flat zone, RF-1.

38. The Residential Flat zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two dwelling units. (Subtitle E § 100.1.)
39. The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 100.2.)
40. The provisions of the RF zones are intended to: (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of record; (d) establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of rowhouse and other structures for flats; and (f) prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone. (Subtitle E § 100.3.)
41. The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted. (Subtitle E § 300.1.)
42. Subtitle U § 320.2, under which zoning relief is requested for a residential conversion, was amended by Zoning Commission Order No. 19-21, dated September 14, 2020.

## CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under Subtitle U § 320.2 for the conversion of an existing detached principal dwelling to a 7-unit apartment house in the RF-1 Zone at 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* Subtitle X § 901.2.)

Subtitle U § 320.2, as amended by Zoning Commission Order No. 19-21, provides that the conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the following requirements: (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion; (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the

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requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.

Based on the findings of fact, the Board concludes that the application, as amended, satisfies the requirements for a special exception consistent with Subtitle U § 320.2. First, the existing residential building was constructed prior to May 12, 1958. Second, the building will also be in existence when the Applicant files for a building permit with the Department of Consumer and Regulatory Affairs. Third, the 7-unit apartment house will include two IZ units. Finally, there will be approximately 1,124 square feet of land for each of the seven units.

Based on the finding of fact, the Board also concludes that the application satisfies the requirements for a special exception under Subtitle X § 901.2. First, the conversion will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The application, as amended, satisfies the requirements for a special exception consistent with Subtitle U § 320.2. The project will be consistent with Subtitle E § 101.1, which recognizes that within the Residential Flat zones there have been limited conversions of dwellings or other buildings into more than two dwelling units.

The project is consistent with the general purpose and intent of the provisions of the RF zones, which are intended, *inter alia*, to recognize and reinforce the importance of low- and moderate-density housing to the overall housing mix and health of the city; to recognize and reinforce the importance of neighborhood character and walkable neighborhoods; and to allow for the matter-of-right development of existing lots (Subtitle E § 100.3). The project will introduce a moderate-density apartment house into an RF zone. For the reasons discussed below, it will maintain the character of the neighborhood. It also will have no impact on the walkability of the neighborhood.

The project also will be in conformance with the development standards of Subtitle E Chapter 3, including height of the addition (Subtitle E § 303.1), lot occupancy (Subtitle E § 304.1), rear yard (Subtitle E § 306.1), and side yard (Subtitle E 207.4). The project will preserve the original house, constructed in 1876, and the addition will require no zoning relief under Subtitle E. Conformance with these development standards ensures that the project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Second, the Board concludes that the conversion will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Specifically, the conversion will have no adverse effects with respect to light and air, privacy, parking and traffic, trash storage and collection, and character, scale and pattern of the neighborhood.

Light and Air. The Party Opponents argued that the proposed project would adversely affect the light and air available to neighboring properties. The Board is not persuaded by this argument. The updated architectural plans and elevations submitted by the Applicant prior to the December 9 hearing (Ex. 49C) included in the appendix a sun and shadow study. The study indicates that

the new shadow created by the proposed addition will not result in an undue impact. Much of the new afternoon shadow generated by the addition would fall on the Applicant's property, on the alley to the east of the property, and on adjacent garages.

Privacy. The Party Opponents argued that the proposed project would adversely affect the privacy of use and enjoyment of neighboring properties. The Board is not persuaded by this argument. The addition to the existing building will include windows and a balcony that face east. However, there is a public alley that dead ends to the east of Lot 805 and to the east of the north end of Lot 804. The windows and balcony for the most part will overlook the alley. The impact of privacy, therefore, will not be undue.

Parking and Traffic. The Board was not persuaded by the argument of the Party Opponent that the project will have an adverse effect on parking and traffic by increasing traffic in the alley and on 4<sup>th</sup> Street and creating additional demand for parking. Under Subtitle C § 701.5, for a 7-unit apartment house, the Applicant is required to provide four vehicle parking spaces. The Applicant will provide five parking spaces. Consistent with the requirements of Subtitle C § 802.1, the Applicant will provide 8 bicycle parking spaces. Finally, the project will be located within ½ mile of a Metrorail station (Shaw-Howard University), which will mitigate any adverse impacts related to traffic and parking. DDOT had no objection to approval of the application.

Trash Collection and Storage. As is required for a project of this size, the Applicant will contract with a private trash collection company for trash collection from the alley. Although other properties along the block have their trash collected from T Street, DDOT requires the trash from the apartment house to be collected from the alley. The Party Opponents complained that the narrow width of the alley behind the property makes it impassable to trash trucks. The Board credits the Applicant's testimony that the private company hired to collect trash and recyclable materials from the subject property will utilize equipment designed specifically for the District's narrow streets and slender alleyways, like the alley to the east of the property. (Tr. at 381.) The private company will utilize light trucks that will back into the alley adjacent to the property from 4<sup>th</sup> Street N.W. (Ex. 59D.)

The Party Opponents also complained about the amount of trash that will be generated by an apartment house and the location of trash storage. The Board concludes that the Applicant has adequately addressed this complaint. Consistent with DDOT policy, trash storage will be at the rear of the property between the parking spaces and the alley and will be confined to the property. Trash will not be stored in the alley or on adjacent properties. Plantings between the trash bins and the alley will provide a buffer between the trash bins and the neighboring property.

Character, Scale and Pattern. The Party Opponents argued that the proposed project would have a substantial intrusion upon the character, scale, and pattern of houses along the street and alley. The Board is not persuaded by this argument and concludes that the project will not substantially visually intrude upon the character, scale, and pattern of houses along T Street. The Board agrees with OP's conclusion that the project, consistent with the requirements of Subtitle E § 100.3, will

recognize and reinforce the importance of neighborhood character. The project will preserve the “historic Butterworth mansion” and the addition will require no zoning relief from the development standards of Subtitle E Chapter 3.

The Board concludes that the project’s conformance with those development standards will ensure that the project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. For the same reason, there will be no adverse impact on the character, scale, and pattern of the neighborhood. In addition, the Applicant will retain the original slate roof of the existing dwelling, and the materials for the addition will be consistent with existing buildings in the neighborhood. The roof and the addition, therefore, also will recognize and reinforce the importance of neighborhood character.

The Board notes HPRB’s determination that the Applicant’s revised concept design for the project will be compatible with the LeDroit Park Historic District. The HPRB determination supports the Board’s conclusion that that the project will not substantially visually intrude upon the character, scale, and pattern of houses along T Street.

The Party Opponents raised several additional arguments in opposition to the project; for example, claims about the window wells planned for the new apartment house. Other than those addressed above, however, the Party Opponents’ arguments did not address the legal criteria under Subtitle U § 320.2 and Subtitle X § 901.2 by which the Board must judge the request for special exception relief.

OP recommended approval of the zoning relief requested by the Applicant. OP concluded that the Applicant met the conditions for the conversion of an existing residential building to an apartment house in an RF zone under Subtitle U § 320.2 as well as the general special exception review standards under Subtitle X § 901.2. The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board agrees with OP’s recommendation that, in this case, the application should be approved.

Under Section 13(d) of the Advisory Neighborhood Commission Act of 1975, the Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.). To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. D.C. Official Code § 1-309.10(d)(3)(B). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns,” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978). In this case, ANC 1B raised no issues or concerns to which the Board must give great weight. For the reasons stated above, the Board agrees with the ANC that the application should be approved.

Based on the finding of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exception under Subtitle U §

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320.2 and Subtitle X § 901.2 to convert an existing detached principal dwelling unit to a 7-unit apartment house in the RF-1 Zone at premises 421 T Street, N.W. Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the updated architectural plans and elevation submitted as Exhibit 49C.

**VOTE: 3-1-1** (Frederick L. Hill, Lorna L. John, and Chrishaun S. Smith voting to **APPROVE**; Anthony J. Hood voting to Deny; 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:** January 28, 2022

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,

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FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 08-07H**  
**Z.C. Case No. 08-07H**  
**Four Points Development, LLC**  
**(Two-Year Time Extension for PUD @ Square 5785, part of Lot 906 (Building 2)**  
**and Square 5783, Lot 1018 (Building 5)**  
**October 14, 2021**

Pursuant to notice, at its October 14, 2021, public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Four Points Development, LLC (the “Applicant”) for:

- A two-year time extension of the May 22, 2021, deadline, pursuant to Condition D.2.(b) of Z.C. Order 08-07, as modified by Z.C. Order 08-07E, to file second stage planned unit development (“PUD”) applications for part of Lot 906 in Square 5785 (“Building 2”) and Lot 1018 in Square 5783 (“Building 5”);
- A waiver from Subtitle Z § 705.2 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016 (the “Zoning Regulations”), to which all subsequent citations refer unless otherwise specified) to submit the extension request following the expiration of the extension deadline previously approved; and
- Waivers from Subtitle Z § 705.5’s maximum two extensions and maximum one-year period for a second time extension of a Zoning Commission order.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**Background**

1. Pursuant to Z.C. Order No. 08-07, dated September 9, 2013, and effective on October 25, 2013 (the “First-Stage Order”), the Commission approved a first-stage PUD and a related Zoning Map amendment from the C-2-A and C-M-1 Districts to the C-3-A District for Square 5772, Lots 827, 829, 831, 880, 984, 1017, and 1019; Square 5783, Lots 829 and 1018; Square 5784, Lots 898, 899, and 900; and Square 5785, Lots 839 and 906 (collectively, the “PUD Site”)<sup>1</sup>. (Exhibit [“Ex.”] 2.)
2. The First-Stage Order included first-stage PUD approvals for eight new buildings on the PUD Site in three phases. Phase I included Buildings 1, 3, and 8; Phase II included Buildings 2, 4, and 5; and Phase III included Buildings 6 and 7. (Ex. 2.)
3. Pursuant to Condition No. D.2.(a) of the First-Stage Order, second-stage PUD applications were required to be filed for the Phase I buildings within two years after the effective date

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<sup>1</sup> The original PUD and subsequent modifications were approved under the 1958 Zoning Regulations. On September 6, 2016, the provisions of ZR58 were repealed and replaced with the 2016 Zoning Regulations (ZR16). Under the ZR16, the approved C-3-C District converted to the MU-9 zone.



of the First-Stage Order (i.e., no later than October 25, 2015). Those applications were timely filed as follows:

- Building 1: A second-stage PUD application was timely filed on June 27, 2014 (Z.C. Case No. 08-07A);
- Building 3: Approved as a special exception by the Board of Zoning Adjustment (“BZA”) on June 21, 2011 (BZA Case No. 18224); and
- Building 8: A second-stage PUD application was timely filed on October 23, 2015, although the case was ultimately withdrawn.

4. Pursuant to Condition No. D.2(b) of the First-Stage Order, second-stage PUD applications were required to be filed for the Phase II buildings within four years after the effective date of the order granting second-stage approval for Phase I. The first second-stage approval for Phase I was for Building 1 (Z.C. Order No. 08-07A), and the order was effective May 22, 2015. Accordingly, the second-stage PUD applications for the Phase II buildings were required to be filed by May 22, 2019. The status of those applications is as follows:

- Building 4: A second-stage PUD application was timely filed on March 9, 2018 (Z.C. Case No. 08-07C);
- Buildings 2 and 5: A time extension application was filed on May 20, 2019 (Z.C. Case No. 08-07E) requesting a two-year extension on the May 22, 2019 deadline and was approved such that second-stage PUD applications were required to be filed by May 22, 2021.

### **Parties**

5. The parties to the First-Stage Order were the Applicant and Advisory Neighborhood Commission (“ANC”) 8A. The Commission received no additional requests for party status.

### **The Application**

6. Based on the two-year extension granted in Z.C. Order No. 08-07E, the Applicant was required to file second-stage PUD applications for Buildings 2 and 5 by May 22, 2021. On July 20, 2021, the Applicant filed an untimely Application requesting a two-year extension of the time period in which to file second-stage PUD applications for Buildings 2 and 5. The Application included a request for waivers pursuant to Subtitle Z § 101.9 from (i) Subtitle Z § 705.2 to file the extension request following expiration of the extension deadline approved in Z.C. Order 08-07E; and (ii) Subtitle Z § 705.5 to request a third extension<sup>2</sup> whereas no more than two extension requests are permitted, and to request a two-year extension period whereas after one extension approval for a two-year period<sup>3</sup>, only an approval for a one-year period is permitted. (Ex. 2.)

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<sup>2</sup> The Applicant has made two previous time extension requests that were approved by the Commission for a two-year period; Z.C. Order No. 08-07D approved a two-year time extension to begin construction of Building 1, and Z.C. Order No. 08-07E approved a two-year time extension to file second-stage PUD applications for Buildings 2 and 5. The time extension approved for a two-year period in Z.C. Order No. 08-07F does not count as a request for a time extension under Subtitle Z § 705.5 because it was granted due to the COVID-19 pandemic.

<sup>3</sup> Id.

7. The Application asserted that it satisfied the requirement of Subtitle Z § 705.2(a) to serve all parties and attested by the Certificate of Service included with the Application that the Applicant served the Application on the ANC 8A, ANC Single Member Commissioner 8A06, and the D.C. Office of Planning (“OP”) on July 20, 2021. (Ex. 2)
8. The Application asserted that it satisfied the requirements of Subtitle Z § 705.2(b) because no substantial change had occurred in any of the material facts on which the Commission had relied in approving the First-Stage Order. (Ex. 2)
9. The Application asserted that it satisfied the requirements of Subtitle Z § 705.2(c)(3) for the time extension because of factors beyond the Applicant’s reasonable control rendering the Applicant unable to comply with set time limits, including delays caused by the processing of Tax Increment Financing (“TIF”) legislation, defending multiple appeals and motions for reconsideration for approved entitlements applicable to the overall PUD Site, and the unpredictable market conditions caused by the COVID-19 pandemic. (Ex. 2.)
10. The Application asserted that good cause was shown under Subtitle Z § 101.9 to approve a waiver from Subtitle Z § 705.2 because accepting the Application after the expiration of the extension deadline previously approved would not prejudice the rights of any party and is not otherwise prohibited by law. The Application stated that the waiver would allow more time for the Applicant to prepare and file second-stage PUD applications for Buildings 2 and 5, for which the parties and the public would have a full opportunity to review and provide comment on prior to the second-stage PUD public hearings for those buildings. (Ex. 2.)
11. The Application asserted that good cause was shown under Subtitle Z § 101.9 to approve a waivers from Subtitle Z § 705.5 because doing so would not prejudice the rights of any party and is not otherwise prohibited by law. The Application stated that another two-year extension was needed due to delays in project financing and the resulting delay in the construction schedule for the overall PUD Site, which impacted the Applicant’s ability to prepare and file second-stage PUD applications for Buildings 2 and 5. (Ex. 2)

#### **Responses to the Application**

12. OP submitted a report dated September 24, 2021 (the “OP Report”), which recommended approval of the requested waivers and the extension of the time in which to file a Second Stage PUD for Buildings 2 and 5 to May 22, 2023. (Ex. 4)
13. ANC 8A submitted a report dated September 8, 2021 (the “ANC Report”), stating that at its regularly scheduled and duly noticed public meeting on September 7, 2021, at which a quorum of commissioners was present, the ANC voted 7-0-0 in support of the time extension Application due to the multiple delays presented by the Applicant. (Ex. 5.)

**CONCLUSIONS OF LAW**

1. Subtitle Z §§ 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z §§ 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. The Commission concludes that although the Applicant did not timely file the Application prior to the expiration of the previously approved extension deadline (i.e., May 22, 2021), that it demonstrated good cause for approval of a waiver of this requirement set forth in Subtitle Z § 705.2.
3. Subtitle Z § 705.2(a) requires the Applicant to serve the extension request on all parties and that all parties are allowed 30 days to respond.
4. The Commission concludes that the Applicant has satisfied the requirement of Subtitle Z § 705.2(a) to serve all parties by demonstrating that it served the only other party to the First-Stage Order, ANC 8A, and that the ANC was given 30 days to respond from the July 20, 2021, date of service.
5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the PUD.
6. The Commission concludes, based on the Application and the OP Report, that the Application satisfied the requirement of Subtitle Z § 705.2(b) that no substantial change in any of the material facts upon which the Commission based its original approval of the First-Stage Order has occurred that would undermine the Commission's justification for that approval.
7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
  - (1) *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;*
  - (2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
  - (3) *The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*

8. The Commission concludes, based on the Application and the OP Report, that the Application meets the standard of Subtitle Z § 705.2(c)(3) due to delays caused by the TIF legislation, appeals, and unpredictable market conditions, which collectively created conditions beyond the Applicant's reasonable control that rendered the Applicant unable to comply with the time limits of the original approval and the previous extension granted in Z.C. Order No. 08-07E.
9. Subtitle Z § 101.9 authorizes the Commission to waive any of the provisions of Subtitle Z if, in the judgment of the Commission, the Applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
10. The Commission concludes that the Applicant has demonstrated good cause for a waiver from Subtitle Z § 705.2 and that granting the waiver will not prejudice the rights of any party and is not otherwise prohibited by law because the parties and the public will have an ample opportunity to review and comment on the second-stage PUD applications that will be filed for Buildings 2 and 5.
11. The Commission concludes that the Applicant has demonstrated good cause for waivers from Subtitle Z § 705.5 because an extension for another two years will allow the Applicant more time to prepare and file second-stage PUD applications for Buildings 2 and 5, which have been delayed due to project financing and the timeline for construction of other buildings within the PUD Site.

**“Great Weight” to the Recommendations of OP**

12. Pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8, the Commission must give “great weight” to the recommendations of OP (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 [D.C. 2016]).
13. The Commission found OP’s recommendation that the Commission approve the Application persuasive and concurs in that judgment.

**“Great Weight” to the Written Report of the ANC**

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

15. The Commission found the recommendation in the ANC Report to approve the Application persuasive and notes that the ANC Report did not state any issues or concerns.

### **DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the following:

- A two-year time extension of the May 22, 2021 deadline to May 22, 2023, pursuant to Condition D.2.(b) of Z.C. Order 08-07, as modified by Z.C. Order 08-07E, to file second-stage PUD applications with the Zoning Commission for Part of Lot 906 in Square 5785 (Building 2) and Lot 1018 in Square 5783 (Building 5);
- A waiver from Subtitle Z § 705.2 to submit the extension request following expiration of the extension deadline previously approved; and
- Waivers from Subtitle Z § 705.5's maximum two extensions and maximum one-year period for a second time extension of a Zoning Commission order.

**VOTE (October 14, 2021): 4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May to **APPROVE**, the representative of the Architect of the Capitol not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 08-07H shall become final and effective upon publication in the *DC Register*; that is, on February 11, 2022.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 08-07I**

**Z.C. Case No. 08-07I**

**Four Points Development, LLC**

**(Modification of Consequence to Establish Dates to File 2nd-Stage PUDs  
@ Squares 5772, 5783, 5784, & 5785)**

**October 14, 2021**

Pursuant to notice, at a public meeting held on October 14, 2021, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (“Application”) of Four Points Development, LLC (the “Applicant”) requesting the following relief under Subtitle Z § 703 of the Zoning Regulations (Title 11 of the District of Columbia Code of Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified):

A Modification of Consequence to Z.C. Order No. 08-07 to establish dates certain by which to file second-stage Planned Unit Development (“PUD”) applications for the buildings included in Phases II and III approved by Z.C. Order No. 08-07.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**I. BACKGROUND**

**Parties**

1. The only party to the Z.C. Case No. 08-07 other than the Applicant was Advisory Neighborhood Commission (“ANC”) 8A, the “affected” ANC pursuant to Subtitle Z § 101.8.

**Notice**

2. The Applicant served the Application on the Affected ANC on August 10, 2021, as evidenced by the certificate of service included in the Application. (Exhibits [“Ex.”] 2.)

**Prior Approvals**

3. Pursuant to Z.C. Order No. 08-07, dated September 9, 2013, and effective on October 25, 2013 (the “Approved Order”), the Commission approved a first-stage PUD and a related Zoning Map amendment from the C-2-A and C-M-1 Zone Districts to the C-3-A Zone District for Square 5772, Lots 827, 829, 831, 880, 984, 1017, and 1019; Square 5783, Lots 829 and 1018; Square 5784, Lots 898, 899, and 900; and Square 5785, Lots 839 and 906 (collectively, the “PUD Site”).<sup>1</sup>

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<sup>1</sup> The original PUD and subsequent modifications were approved under the 1958 Zoning Regulations. On September 6, 2016, the provisions of ZR58 were repealed and replaced with the 2016 Zoning Regulations. Under ZR16, the approved C-3-C District converted to the MU-9 zone.

4. The Approved Order included first-stage PUD approvals for eight new buildings on the PUD Site in three phases. Phase I included Buildings 1, 3, and 8; Phase II included Buildings 2, 4, and 5; and Phase III included Buildings 6 and 7.
5. The following applications, extensions, and modifications have subsequently been filed and/or approved:
  - a. *Z.C. Order No. 08-07A (effective May 22, 2015) – Approved a second-stage PUD and modifications to the approved first-stage PUD for Building 1;*
  - b. *Z.C. Case No. 08-07B – Second-stage PUD and PUD modification for Buildings 4, 8, and 9 was filed but subsequently withdrawn prior to a hearing;*
  - c. *Z.C. Order No. 08-07C (effective November 9, 2018) – Approved a second-stage PUD for Building 4;*
  - d. *Z.C. Order No. 08-07D (effective October 12, 2018) – Approved a two-year extension of time in which to begin construction of Building 1;*
  - e. *Z.C. Order No. 08-07E (effective January 17, 2020) - Approved a two-year extension of time in which to file a second-stage PUD for Buildings 2 and 5;*
  - f. *Z.C. Order No. 08-07F (effective July 30, 2021) – Approved a second two-year extension of time in which to begin construction of Building 1;*
  - g. *Z.C. Order No. 08-07G (effective June 4, 2021) – Approved a Modification of Consequence to the second-stage PUD for Building 4; and*
  - h. *BZA Order No. 18224 (effective June 23, 2011) - Approved development of Building 3, which was constructed in 2014 and is presently occupied and leased as an office building.*

## II. THE APPLICATION

6. On August 10, 2021, the Applicant filed the Application requesting a modification of consequence to establish dates certain by which to file second-stage PUD applications for the buildings included in Phases II and III of the Approved Order.

### Approved Second-Stage PUD Filing Deadlines

7. Pursuant to Decision No. D.2 of the Approved Order, the Commission established deadlines within which time the Applicant is required to file second-stage PUD applications as follows:
  - D.2. *Pursuant to § 2407.10 of the Zoning Regulations the Commission is specifying the following periods within which time second stage applications must be filed to prevent this first stage approval from expiring:*
    - a. *A second-stage application must be filed for the buildings included in Phase I of the development (Buildings 1, 3, and 8) within two years after the effective date of this Order;*

- b. A second-stage application must be filed for the buildings included in Phase II of the development (Buildings 2, 4, and 5) within four years after the effective date of the Order granting second-stage approval for Phase I; and*
  - c. A second-stage application must be filed for the buildings included in Phase III of the development (Buildings 6 and 7) within four years from the effective date of the Order granting second-stage approval for Phase II.*
- 8. The Applicant has met the deadlines established in Decision No. D.2 as follows:
  - a. Z.C. Order No. 08-07 had an effective date of October 25, 2013, such that second-stage PUD applications were required to be filed for the buildings in Phase I by October 25, 2015:
    - Building 1: The second-stage PUD application for Building 1 was timely filed on June 27, 2014, and approved pursuant to Z.C. Order No. 08-07A, having an effective date of May 22, 2015. Therefore, Building 1 is vested;
    - Building 3: A BZA application was approved for Building 3 pursuant to BZA Order No. 18224, having an effective date of June 23, 2011. Therefore, Building 3 is vested; and
    - Building 8: A second-stage PUD application for Building 8 was timely filed on October 23, 2015 (Z.C. Case No. 08-07B), which was subsequently withdrawn. Therefore, Building 8 is vested.
  - b. The first order that granted a second-stage PUD approval for a building within Phase I was Z.C. Order No. 08-07A for Building 1, which had an effective date of May 22, 2015. Thus, second-stage applications were required to be filed for the buildings in Phase II by May 22, 2019:
    - Building 4: The second-stage PUD application for Building 4 was timely filed on March 9, 2018, and approved pursuant to Z.C. Order No. 08-07C, having an effective date of November 9, 2018. Building 4 is vested; and
    - Buildings 2 and 5: The deadline to file second-stage PUD applications for Buildings 2 and 5 was extended pursuant to Z.C. Order No. 08-07E, which required those applications to be filed by May 22, 2021. Another extension application is currently pending before the Zoning Commission (Z.C. Case No. 08-07H) which, if approved, would require second-stage PUD applications for Buildings 2 and 5 to be filed no later than May 22, 2023.
  - c. The first order that granted a second-stage PUD approval for a building within Phase II was Z.C. Order No. 08-07C for Building 4, which has an effective date of November 9, 2018. Thus, second-stage PUD applications are required to be filed for the buildings within Phase III by November 9, 2022:
    - Buildings 6 and 7: Based on the effective date of the second-stage PUD for Building 4, the deadline to file second-stage PUD applications for Buildings 6 and 7 is November 9, 2022.



9. In order to clarify the remaining deadlines by which second-stage PUD applications must be filed, the Applicant filed the subject application to modify the language of Decision No. D.2 of the Approved Order to establish dates certain by which the second-stage PUD applications must be filed.

**Proposed Second-Stage PUD Filing Deadlines**

10. The Application proposed the following changes to Decision No. D.2 of the Approved Order in order to clarify the remaining deadlines to file second-stage PUD applications:

*D.2 Pursuant to ~~§ 2407.10~~ Subtitle Z § 702.3 of the Zoning Regulations the Commission is specifying the following periods within which time second stage applications must be filed for the remaining buildings within the overall PUD to prevent this first stage approval from expiring:*

- a. A second-stage application must be filed for ~~the buildings~~ Building 8 included in Phase I of the development (~~Buildings 1, 3, and 8~~) within two years after the effective date of this Order no later than November 22, 2022;<sup>2</sup>*
- b. A second-stage application must be filed for the remaining buildings included in Phase II of the development (~~Buildings 2, 4, and 5~~) within four years after the effective date of the Order granting second-stage approval for Phase I no later than May 22, 2023;<sup>3</sup> and*
- c. A second-stage application must be filed for the buildings included in Phase III of the development (Buildings 6 and 7) within four years from the effective date of the Order granting second-stage approval for Phase II no later than November 9, 2022.*

**III. RESPONSES TO THE APPLICATION**

11. The District Office of Planning (“OP”) submitted a report dated September 24, 2021, stating that the Application could appropriately be considered as a Modification of Consequence as it would change a condition of the final order, and recommending approval of the Application (the “OP Report”). (Ex. 4)
12. ANC 8A submitted a report dated September 8, 2021 (the “ANC Report”), stating that at its regularly scheduled and duly noticed public meeting on September 7, 2021, at which a quorum of commissioners was present, the ANC voted 7-0-0 in support of the Application

<sup>2</sup> November 22, 2022 is the deadline to commence construction of Building 1, pursuant to Z.C. Order No. 08-07F.

<sup>3</sup> The proposed language assumes that the pending PUD extension application for Buildings 2 and 5 (Z.C. Case No. 08-07H) is approved.

because the ANC concluded that it would clarify the dates on which second-stage PUD applications were to be filed for the remaining buildings within the PUD Site. (Ex. 5.)

### **CONCLUSIONS OF LAW**

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance”.
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of Modifications of Consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 8A. (Ex. 2.)
5. At its October 14, 2021, public meeting, the Commission determined that the Application could be properly considered as a Modification of Consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to change a condition in the final order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 8A, the only party other than the Applicant to the Approved Order, had filed a response to the Application, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its October 14, 2021 public meeting.
7. The Commission concludes that the Application is consistent with the Approved PUD because the modification simply seeks to clarify the dates on which second-stage PUD applications must be filed for the remaining buildings within the PUD Site.

### **“Great Weight” to the Recommendations of OP**

8. Pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8, the Commission must give “great weight” to the recommendations of OP. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
9. The Commission found OP’s recommendation that the Commission approve the Application persuasive and concurs in that judgment.

**“Great Weight” to the Written Report of the ANC**

10. Pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) and Subtitle Z §406.2, the Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
11. The Commission notes that the ANC Report did not state any issues or concerns and supported the Application, with which conclusion the Commission concurs.

**DECISION**

In consideration of the case record and Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant’s request for:

A Modification of Consequence to Z.C. Order No. 08-07 to establish dates certain by which to file second-stage PUD applications for the buildings included in Phases II and III approved by Z.C. Order No. 08-07.

By revising Decision No. D.2 of Z.C. Order No. 08-07 to read as follows (deletions shown in **~~bold strikethrough~~** text and additions shown in **bold underlined** text):

- D.2 Pursuant to ~~§ 2407.10~~ **Subtitle Z § 702.3** of the Zoning Regulations the Commission is specifying the following periods within which time second stage applications must be filed **for the remaining buildings within the overall PUD** to prevent this first stage approval from expiring:
- a. A second-stage application must be filed for ~~the buildings~~ **Building 8** included in Phase I of the development (~~Buildings 1, 3, and 8~~) ~~within two years after the effective date of this Order~~ no later than November 22, 2022;<sup>4</sup>
  - b. A second-stage application must be filed for the **remaining** buildings included in Phase II of the development (Buildings 2, ~~4~~, and 5) ~~within four years after the effective date of the Order granting second stage approval for Phase I~~ **no later than May 22, 2023**;<sup>5</sup> and

<sup>4</sup> November 22, 2022 is the deadline to commence construction of Building 1, pursuant to Z.C. Order No. 08-07F.

<sup>5</sup> The proposed language assumes that the pending PUD extension application for Buildings 2 and 5 (Z.C. Case No. 08-07H) is approved.

- c. A second-stage application must be filed for the buildings included in Phase III of the development (Buildings 6 and 7) ~~within four years from the effective date of the Order granting second-stage approval for Phase II~~ no later than November 9, 2022.

All other conditions of Z.C. Order No. 08-07 remain unchanged and in effect.

**VOTE (October 14, 2021): 4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to **APPROVE**, representative of the Architect of the Capitol not present, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 08-07I shall become final and effective upon publication in the *DC Register*; that is, on February 11, 2022.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION OF THE DISTRICT OF COLUMBIA****Z.C. ORDER NO. 21-09****Z.C. Case No. 21-09****US Union Square DC 899 LLC, US Union Square DC 901 LLC, and****US Union Square DC 999 LLC****(Design Review on N. Capitol Street, @ Square 675, Lot 298)****October 14, 2021**

Pursuant to notice, at its September 13, 2021 virtual public hearing, the Zoning Commission (the “Commission”) considered the application (the “Application”) of US Union Square DC 899 LLC, US Union Square DC 901 LLC, and US Union Square DC 999 LLC (collectively, the “Applicant”) requesting Design Review approval for new construction (the “Project”) located along North Capitol Street at Lot 298 in Square 675 (the “Property”) in the D-5 Zone District and the North Capitol Street Corridor Sub-Area pursuant to Subtitle I § 617.7 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) (the “Zoning Regulations,” to which all section references are made unless otherwise specified). The Project proposes to renovate the existing office buildings and construct ground-level retail expansions of both buildings, and to develop a mixed-use building with lodging and ground-floor retail uses to occupy a portion of the existing plaza on the Property.

The Commission considered the Application for the Project pursuant to Subtitles X and Z. For the reasons below, the Commission hereby **APPROVES** the Application.

**FINDINGS OF FACT****PARTIES**

1. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
  - The Applicant;
  - Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the Property is located and thus an “affected ANC” per Subtitle Z § 101.8; and
  - ANC 6E, the ANC located across North Capitol Street to the west of the Property, and thus also an “affected ANC” per Subtitle Z § 101.8.
2. The Commission received no requests for party status.

**NOTICE**

3. Pursuant to Subtitle Z § 301.6, on February 10, 2021, the Applicant mailed a Notice of Intent to file a Design Review application to all property owners within 200 feet of the Property and to ANC 6C and ANC 6E. (Exhibit [“Ex.”] 3D.)
4. Pursuant to Subtitle Z § 402, the Office of Zoning (“OZ”) provided notice of the September 13, 2021 virtual public hearing by:
  - A June 8, 2021 letter with the Notice of Public Hearing sent to: (Ex. 5, 6, 7.)
    - The Applicant;
    - ANC 6C;
    - ANC Single Member District (“SMD”) 6C06;

- ANC 6E;
  - Office of ANCs;
  - The Office of Planning (“OP”);
  - The District Department of Transportation (“DDOT”);
  - The District of Columbia Housing Authority (“DCHA”);
  - The Office of the Attorney General;
  - The Department of Consumer and Regulatory Affairs (“DCRA”);
  - The Department of Energy and Environment (“DOEE”);
  - The Ward 6 Councilmember; Chair of the Council; and the At-Large Councilmembers;
  - Owners of property within 200 feet of the Property; and
  - Publication of the Notice of Public Hearing in the Jun 18, 2021 edition of the *D.C. Register*. (Ex. 4, 7.)
5. Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on August 3, 2021 and maintained such notice. (Ex. 9, 15.)<sup>1</sup>

#### **THE PROPERTY**

6. The Property is a rectangular parcel comprised of approximately 137,579 square feet of land area across three Assessment and Taxation lots (Lots 853, 854, and 855) sharing a single record lot (Lot 298). (Ex. 3.)
7. The Property is currently improved with commercial office buildings constructed in the early 1970s: 899 North Capitol Street, N.E. (the “899 North Capitol Building”) at the southern portion of the Property and 999 North Capitol Street, N.E. (the “999 North Capitol Building”) on the northern portion. The middle portion of the Property is currently improved with a sunken open plaza. (Ex. 3.)
8. The Property is located in the NoMa neighborhood of Ward 6 and is bounded:
- To the west – by North Capitol Street, N.E.;
  - To the north – by K Street, N.E.; and
  - To the east and south – by private property improved with commercial office buildings. (Ex. 3.)
9. The Property is located two blocks north of Union Station and is directly across North Capitol Street from Gonzaga College High School. (Ex. 3.)

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<sup>1</sup> The Applicant requested that the Commission waive the requirements to submit an affidavit of posting and affidavit of maintenance under Subtitle Z §§ 402.8–402.10 of the Zoning Regulations and to provide affirmations of such posting and maintenance in lieu of affidavits due to the lack of remote notarization protocols in the District of Columbia during the period of social distancing measures due to the COVID-19 pandemic. The Commission granted the waiver at the September 13, 2021 hearing.

**ZONING**

10. The Subject Property is located in the D-5 zone and within the North Capitol Street Corridor Sub-Area, which have the following purposes:
- D-5 zone - Intended to permit high-density development of commercial and mixed uses (Subtitle I § 538.1); and
  - North Capitol Street Corridor Sub-Area - Intended to ensure the preservation of the historically important axial view of the Capitol Dome (Subtitle I § 617.1).

**II. THE APPLICATION****THE PROJECT**

11. The Application proposes a two-phase redevelopment of the Property to:
- For phase I (“Phase I”), renovate the existing office buildings on the Property and construct ground-level expansions to those buildings along North Capitol Street and K Street, which will pull the ground-level building façades forward to the property line and fill-in the “dugout” condition that currently exists with the first floor of both buildings dropping below the street-level grade of the adjacent public space along North Capitol Street and K Street, N.E. Phase I will:
    - Increase the gross floor area (“GFA”) of the 899 North Capitol Building from the existing 314,350 square feet by approximately 1,167 square feet for a resulting total of approximately 315,517 square feet after Phase I is complete; and
    - Increase the GFA of the 999 North Capitol Building from the existing 316,518 square feet by approximately 507 square feet for a total of approximately 317,025 square feet after Phase I is complete;
  - For phase II (“Phase II”), construct a new hotel and ground floor commercial building occupying a portion of the existing open plaza on the Property with an address of 901 North Capitol Street, N.E. (the “901 North Capitol Hotel Building”). The 901 North Capitol Building will:
    - Have a height of approximately 85 feet, within seven stories, plus a 12-foot mechanical penthouse;
    - Include approximately 88,380 square feet of GFA devoted to lodging use and approximately 7,695 square feet of GFA on the first and second floor devoted to commercial use. (Ex. 3, 3F1-3F5.)
12. The Project will increase the existing floor area ratio (“FAR”) of the Property from approximately 4.59 to approximately 5.29 FAR after completion of both phases. (Ex. 3.)
13. The Project will provide approximately 610 below-grade parking spaces for the Property and maintain the existing below-grade five loading berths and three service/delivery spaces. The Project will increase the amount of bicycle parking on site from 72 long-term and 18 short-term spaces to 188 long-term and 22 short-term spaces.

**APPLICANT’S SUBMISSIONS**

14. In addition to the initial application of May 28, 2021 (Ex. 1-3F, the “Initial Application”), the Applicant made the following submissions to the record in support of the Application:

- An August 12, 2021 Transportation Statement (Ex. 11, the “Transportation Statement”) dated July 30, 2021 that concluded that the Project would not have a detrimental impact on the surrounding transportation network assuming that the site design elements and proposed Transportation Demand Management (“TDM”) plan were implemented;
- An August 24, 2021 submission (Ex. 12-12D, the “Pre-Hearing Statement”) that included the following plan revisions and information, including those in response to comments from OP, ANC 6C, and ANC 6E:
  - Additional short-term bicycle parking in response to comments received from ANC 6C;
  - Additional public seating in response to comments received from ANC 6C;
  - Enhancements to the Project’s green space in response to comments received from ANC 6E;
  - Signage plans for the existing and proposed hotel buildings;
  - Additional information regarding the Project’s sustainability features and confirmation that the new 901 North Capitol Hotel Building would be LEED v4 Silver for BD+C: New Construction and Major Renovation, which was increased from the LEED Certified level at the request of OP and District Department of Energy and Environment (“DOEE”) staff; and
  - A proposed condition, as requested by ANC 6C, requiring that the ground story of the Project devote at least 50% of the new façade surface area facing North Capitol Street to display windows or pedestrian entrances having clear low-emissivity glass and ensure that the view through the display windows and pedestrian entrances is not blocked for at least ten (10) feet in from the building face; and
- Presentation materials for the September 13, 2021 virtual public hearing (Ex. 17A, 18, the “Hearing Presentation”) including:
  - Drawings illustrating the Project’s design for both phases, including the façade design and relation to the public realm and adjacent development;
  - A supplemental transportation memorandum outlining the Applicant’s agreement with DDOT’s requested additional commitments for the Project; and
  - Confirmation that the Applicant had agreed to the conditions of:
    - The OP Report, as defined below;
    - The DDOT Report, as defined below; and
    - The ANC 6C Report and ANC 6E Report, as defined below.

**RELIEF REQUESTED**

15. The Application requests Design Review approval as required by Subtitle I § 617.7 and Subtitle I, Chapter 7 of the Zoning Regulations for construction of a proposed building and exterior renovation of existing buildings on a property abutting North Capitol Street and located within the North Capitol Street Corridor Sub-Area.

**APPLICANT’S JUSTIFICATION FOR DESIGN REVIEW APPROVAL****North Capitol Street Corridor Sub-Area (Subtitle I § 617 Applicable Criteria)**

16. The Project complies with Subtitle I § 617.1’s objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome as described below. (see Finding of Fact No. 19.)



17. The Project complies with Subtitle I § 617.4's requirement that the zone district use regulations shall govern uses in a building with frontage on North Capitol Street because the proposed office, retail, and hotel uses are permitted by-right in the D-5 zone.
18. The Project complies with the Subtitle I § 617.5's building wall requirements because all the new construction would be on or within four feet of the North Capitol Street property line.

**Design Review Criteria (Subtitle I § 701.2)**

19. The Project complies with Subtitle I § 701.2(a)(1)'s requirement to achieve the objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome, as set forth in Subtitle I § 617.1. The Project will maintain the current height of the existing 899 North Capitol Building and 999 North Capitol Building, and the new 901 North Capitol Hotel Building will be constructed to a slightly lower height than these buildings — approximately 85 feet compared to 87 feet, eight inches for the 899 North Capitol Building and 91 feet, eight inches for the 999 North Capitol Building. The ground-floor expansions proposed for the existing office buildings will enhance the pedestrian experience along North Capitol Street without infringing on the viewshed crowned by the Capitol Dome to the south.
20. The Project complies with Subtitle I § 701.2(a)(2)'s requirement that the Project be in context with the surrounding neighborhood and street patterns. The Project utilizes high-quality materials that are consistent with, and draw directly upon, the material expression and character of the existing development along North Capitol Street. The brick proposed for the new 901 North Capitol Hotel Building and ground-floor additions of the existing office buildings will maintain and complement the character and context of the existing brick buildings located along the North Capitol Street corridor. The proposed height of approximately 85 feet for the new 901 North Capitol Hotel Building is consistent with (and slightly less than) the height of the existing office buildings on the Property. The new commercial and lodging uses will contribute to the existing diverse mix of uses along North Capitol Street, which includes government and private office buildings, Gonzaga College High School, multifamily residential buildings, and houses of worship.
21. The Project complies with Subtitle I § 701.2(a)(3)'s requirement that the Project minimize conflict between vehicles and pedestrians. The proposed design promotes a safe and efficient pedestrian experience, and represents a substantial improvement upon the existing conditions for pedestrians. The Project will maintain the existing parking and loading access located at the southwest corner of the site off North Capitol Street and at the northeast corner off of K Street, and the Applicant does not propose any new or additional curb cuts. The Project will also elevate the pedestrian experience along the public streets by bringing ground-floor uses forward to the lot line and eliminating the moat that currently envelops the existing office buildings at the property line. Project will include two plazas on the Property — to the north and south of the new 901 North Capitol Hotel Building — that will continue to accommodate the regular foot traffic that currently occurs on the site

and will introduce new spaces for seating, gathering, and recreation within the plazas. The spaces are carefully designed with ample landscaping and exterior lighting features that will make the plazas a warm and welcoming space throughout the day and evening. In addition, the Project will maintain and enhance the east/west pedestrian connection between the 901 North Capitol and 899 North Capitol structures.

22. The Project complies with Subtitle I § 701.2(a)(4)'s requirement that the Project minimize unarticulated blank walls adjacent to public spaces through façade articulation. The Project will utilize high quality materials with a mix of brick tones and patterning, along with black metal trim accents. The ground-floor addition façades, as revised in response to design comments received during the processing of the Application, are based upon the existing buildings' column formation and the traditional forms of the other contextual brick buildings along the nearby portion of North Capitol Street.
23. The Project complies with Subtitle I § 701.2(a)(5)'s requirement that the Project minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards. The existing buildings were previously certified LEED Silver Operations and Maintenance, and the Applicant intends to recertify them accordingly. The Applicant is pursuing at least LEED Silver (v4) certification for BD+C: New Construction and Major Renovation certification for the new 901 North Capitol Street Hotel Building<sup>2</sup>. The Project's "green" features include a commitment to provide rooftop solar and/or green roof or other site landscaping components, sustainable plantings throughout the Project plazas, and a proposed rooftop bee colony that will help support the District's bee population. In addition, the Project will include comprehensive updates to the existing 899 North Capitol Building and 999 North Capitol Building that will result in the buildings being more sustainable than the original 1970s structures. These updates include: a full glazing replacement for both buildings; full LED lighting replacement in the two-level garages for both buildings as well as for exterior lighting; replacement of existing constant volume garage ventilation system with variable ventilation to mitigate energy consumption; refurbished chiller and cooling towers as part of a comprehensive MEP improvement plan; a full building management system upgrade to more efficiently manage building controls for the building's HVAC; and a complete restroom improvement initiative that will reduce water usage by implementing touchless fixtures and automatic toilet flushers and sensor-controlled lighting to minimize excess energy consumption.
24. The Project complies with Subtitle I § 701.2(b)(1)'s requirement that the Project incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of North Capitol Street as a monumental civic boulevard. The proposed ground-floor expansions and new hotel building are designed to enhance and elevate the adjacent segment of the North Capitol Street corridor, building upon the pattern of significant and

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<sup>2</sup> In its post hearing submission at Ex. 21, the Applicant agreed to pursue LEED (v4) Gold for BD+C: New Construction and Major Renovation for the new 901 North Capitol Street Hotel Building.

unique brick buildings on alternating sides of the street and reinvigorating the pedestrian experience adjacent to the Property and within the proposed plazas onsite. This revitalization will create a new neighborhood gathering point and support pedestrian ambulation and enjoyment, as befitting the importance of North Capitol Street as an essential thoroughfare and monumental viewshed in the city.

25. The Project complies with Subtitle I § 701.2(b)(2)'s requirement that the Project incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable. The Project utilizes form and materiality to respond to and assimilate with the surrounding neighborhood, utilizing brick in recognition of the existing brick structures located along North Capitol Street. Parking and loading access will be maintained at current locations, with one access along North Capitol Street and one off of K Street. At these locations, the two parking and loading access points will remain deferential to the pedestrian foot traffic along both streets. Pedestrian foot traffic will be enhanced and prioritized in the east/west pathway between the 899 North Capitol and 999 North Capitol buildings. Both the proposed ground-floor office additions and the new hotel building will further emphasize, promote, and prioritize pedestrian activity in the public space abutting the Property and within the Project's two proposed plazas.
26. The Application complies with Subtitle I § 701.2(b)(3)'s requirement that the Application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome and other federal monumental buildings. The Initial Application included such view analysis, demonstrating that the Project will enhance the view of the Capitol or other federal monumental buildings, while substantially improving the pedestrian experience along this portion of North Capitol Street. By upgrading the street-level experience adjacent to the Property, the Project will foster greater enjoyment of and appreciation for the North Capitol views. (Ex. 3F at 19-22, A06-A10.)

### III. RESPONSES TO THE APPLICATION

#### OP REPORT

27. OP filed a report on September 3, 2021 (Ex. 13, the "OP Report") that:
  - Recommended approval of the Application, subject to the following conditions:
    - The color of the masonry facing of the additions shall be the same for the 899 North Capitol Building and the 999 North Capitol Building and the color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38;
    - Provide an east-west access for pedestrians on a walkway within the former right-of-way of I Street, N.E. The access shall, at a minimum, be provided between 7:00 a.m.-7:00 p.m. and appropriate signage shall be posted to inform the public of the access and its hours of operation;
    - There shall be no signage located more than 20 feet above the grade of the nearest property line on a north, south or west-facing wall of any building, other than: signage where it now exists on the 899 North Capitol Building and new signage in the area labelled "Location 4" on the 999 North Capitol Building. (Ex. 12A2, plan

Page 43.) Other signage on the north, south or west walls shall be permitted at or below 20 feet above the adjacent grades, with each sign not exceeding 277 square feet. Signage on east-facing walls shall be as permitted by the District's Construction Code signage regulations; and

- The proposed hotel shall be designed to achieve at least LEED Silver (v4) certification and the Applicant shall seek such certification;
  - Requested that, prior to the hearing, the Applicant provide the following additional information:
    - An elevation showing the proposed final state of the project as viewed from North Capitol Street;
    - Roof plans showing, in particular, the areas for which a green roof is proposed;
    - An illustration showing the eastern elevation of the 901 North Capitol Street hotel, as it would appear in three dimensions; and
    - Information on how hotel guests will be dropped-off and picked-up; and
  - Encouraged the Applicant to consider:
    - Providing solar panels on the 901 North Capitol Street Hotel Building;
    - Designing the 901 North Capitol Street Hotel Building to a LEED Gold standard; and
    - Other sustainability measures noted in the comments from DOEE that were appended the OP Report.
28. At the September 13, 2021 public hearing, OP testified to the substance of the OP Report and stated that the Applicant had provided the information requested.

#### **DDOT REPORT**

29. DDOT filed a report on September 3, 2021 (Ex. 14, the "DDOT Report") that analyzed the Project and the Applicant's Transportation Statement dated July 30, 2021 (Ex. 11) and concluded that DDOT had no objection to approval of the Project based on the Applicant's proposed mitigations, including the proposed TDM plan, subject to the following conditions relating to TDM plan enhancements:
- Prior to the issuance of a Certificate of Occupancy associated with either Phase I or Phase II development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street, N.W., subject to DDOT approval;
  - Future employees of the 901 North Capitol Street Hotel Building will be permitted and encouraged to use shared shower and locker facilities located in the 899 North Capitol Street Building and 999 North Capitol Street Building; and
  - The Applicant will implement a pick-up/drop-off plan in the 999 North Capitol Street Building parking garage for the future 901 North Capitol Street Building hotel operation if curbside signage on North Capitol Street is not approved by DDOT. The contents of the pick-up/drop-off plan will be further discussed and finalized during public space permitting.

#### **ANC REPORTS**

30. ANC 6C submitted a report on September 13, 2021 (Ex. 19, the “ANC 6C Report”) stating that at its regularly scheduled and duly noticed public meeting on July 14, 2021, ANC 6C voted unanimously to support the Application. The ANC 6C Report notes the following issues and concerns:
- The ANC conditioned its support on two changes, which the ANC stated the Applicant had “more than adequately addressed” in the Pre-Hearing Statement, as follows:
    - A commitment by the Applicant to guaranteed depth of view for the ground floors, to which the Applicant agreed and proposed condition language included in Finding of Fact No. 14 above and Ex. 12; and
    - Additional public bicycle racks and other public realm features, such as seating, which the Applicant had incorporated in response to the ANC’s request, and are included in Ex. 12-12D; and
  - The ANC noted that it suggested further study of the roofline and materials for the ground-floor addition to the 999 North Capitol Street Building due to concern that such addition too closely resembled contemporary, widespread, and inexpensive purpose-built retail architecture. The ANC emphasized that its support for the Project was not conditioned on any specific changes to this aspect of the proposal.
31. ANC 6E submitted a report on September 9, 2021 (Ex. 16, the “ANC 6E Report”) stating that at its regularly scheduled and duly noticed public meeting on July 6, 2021, ANC 6E voted unanimously to support the Application. The ANC 6E Report notes the following issues and concerns:
- The ANC was overall very pleased with the Project and the prospect of a more active streetscape at the Property;
  - The ANC was concerned that the massing on the 999 North Capitol Building addition was darker than that of the 899 North Capitol Street Building addition; and
  - While the ANC stated that Applicant did a good job incorporating green space as part of the Project, the ANC preferred that more green space be considered to enhance the pedestrian experience.

#### **OTHER RESPONSES**

32. No letters in support or opposition were submitted to the case record.

#### **PUBLIC HEARING**

33. At the September 13, 2021 virtual public hearing, the Applicant presented the Project, including testimony from the following representatives and expert witnesses:
- Sam Hollman, on behalf of the Applicant;
  - Richard J. Conrath of GTM Architects, the Phase I architect;
  - Brandon Robinson of Hord Coplan Macht, the Phase II architect;
  - Dan Avrit of Parker Rodriguez, the Project’s landscape architect; and
  - Daniel Solomon of Gorove Slade, the transportation consultant for the Project.
34. The Applicant also provided responses to ANC 6C’s issues and concerns. In response to the ANC, the Applicant agreed to:

- Propose the above-noted condition requiring display windows with clear low-emissivity glass for at least 50% of the new façade surface area facing North Capitol Street (see Finding of Fact No. 14 and Ex. 12);
  - Study the ground-floor addition to the 999 North Capitol Street Building and its roofline and materials, which the Applicant had done;
  - Incorporate additional short-term bicycle parking and other public realm features, including additional public seating, which the Applicant had done (see Ex. 12-12D); and
  - Commit to proposing the same or substantially similar materials as those shown to ANC 6C's Planning, Zoning and Economic Development Committee;
35. The Applicant's testimony also included responses to ANC 6E's issues and concerns as follows:
- The Applicant agreed to study the darkness of the addition to the 999 North Capitol Street Building; and
  - The Applicant agreed to incorporate more green space.
36. The Applicant's testimony also included responses to OP's comments, in which the Applicant agreed to the following conditions:
- The color of the masonry facing of the additions shall be the same for the 899 North Capitol Building and the 999 North Capitol Building and the color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38;
  - Provide an east-west access for pedestrians on a walkway within the former right-of-way of I Street, N.E. The access shall, at a minimum, be provided between 7:00 a.m.-7:00 p.m. and appropriate signage shall be posted to inform the public of the access and its hours of operation;
  - There shall be no signage located more than 20 feet above the grade of the nearest property line on a north, south or west-facing wall of any building, other than: signage where it now exists on the 899 North Capitol Building and new signage in the area labelled "Location 4" on the 999 North Capitol Building (Ex. 12A2, Page 43). Other signage on the north, south, or west walls shall be permitted at or below 20 feet above the adjacent grades, with each sign not exceeding 277 square feet. Signage on east-facing walls shall be as permitted by the District's Construction Code signage regulations;
  - The proposed hotel shall be designed to achieve at least LEED Silver (v4) certification and the Applicant shall seek such certification; and
  - The Applicant noted information provided to OP in response to OP's request, specifically:
    - An elevation showing the entire Project from North Capitol Street;
    - Roof plans showing the proposed green roof areas;
    - A three-dimensional illustration showing the eastern elevation of the 901 North Capitol Street Hotel Building; and
    - Information regarding pick-up and drop-off for the 901 North Capitol Street Building hotel operation.

37. The Applicant's testimony responded to DDOT's comments relating to the incorporation of DDOT's proposed additional conditions, as also described in the Applicant's Supplemental Transportation Memo (at Ex. 18), which provides a revised TDM Plan including the following additional conditions proposed in DDOT's Report:
- Installation of an ADA curb ramp on the west side of North Capitol Street;
  - Providing access to shower and locker facilities at the 899 and 999 North Capitol Street Buildings for the employees of the 901 North Capitol Street Hotel Building; and
  - Implementation of a pick-up/drop-off plan for the 901 North Capitol Street Building hotel operation.
38. At the public hearing, the Applicant also committed to provide a minimum of 4,000 square feet of solar panel array or green area. (Ex. 17A2 at A16.)
39. No other parties, persons, or organizations testified at the public hearing.

#### **POST-HEARING SUBMISSION**

40. Following the public hearing, the Applicant filed a September 30, 2021 submission (Ex. 21-21C, the "Post-Hearing Statement") that included:
- A proposed revised design for the addition to the 999 North Capitol Street Building in response to the Zoning Commission's request for an alternative design for the addition;
  - Supplemental information regarding the Project's green building features and the Applicant's commitment to LEED (v4) Gold for BD+C: New Construction and Major Renovation for the new 901 North Capitol Street Hotel Building;
  - A request for flexibility relating to the roof plan to facilitate the commitment to provide 4,000 square feet of solar panel array or green area, including flexibility on the location and size of the roof structure, on 901 North Capitol, provided that no relief from roof structure design regulations is required unless it is subsequently approved by the Zoning Commission; and
  - Draft Findings of Fact and Conclusions of Law.

#### **CONCLUSIONS OF LAW**

##### **AUTHORITY**

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may approve a Design Review application consistent with the requirements of Subtitle I §§ 617 and 701.2.
2. Subtitle I § 617.7 requires that the Project, due to the Project's frontage on North Capitol Street, N.E., obtain design review approval from the Commission, subject to the specific design review criteria of Subtitle I § 701.2.

##### **Subtitle I Design Review Criteria (Subtitle I § 701.2)**

3. Based on the case record, including the Applicant and OP and DDOT Reports, and the Findings of Fact above, the Commission concludes that the Applicant satisfies the

applicable standards for the North Capitol Street Corridor Sub-Area of Subtitle I § 617 and the applicable Design Review requirements of Subtitle I § 701.2, as detailed below:

4. ***Pursuant to Subtitle I § 617.1*** - The Project complies with the objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome as described below in the explanation for Subtitle I § 701.2(a)(1).
5. ***Pursuant to Subtitle I § 617.4*** - The Project complies with the requirement that the zone district use regulations shall govern uses in a building with frontage on North Capitol Street because the proposed office, retail, and hotel uses are permitted by-right in the D-5 zone.
6. ***Pursuant to Subtitle I § 617.5*** - The Project complies with building wall requirements because all the new construction would be on or within four-feet (4 ft.) of the North Capitol Street property line.
7. ***Pursuant to Subtitle I § 701.2(a)(1)*** - *The Project will achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located.* - The Project will achieve the objective of the North Capitol Street Corridor Sub-Area to ensure the preservation of the historically important axial view of the Capitol Dome, as set forth in Subtitle I § 617.1. The Project will maintain the current height of the existing 899 North Capitol Building and 999 North Capitol Building, and the new 901 North Capitol Hotel Building will be constructed to a slightly lower height than these buildings. The ground-floor expansions proposed for the existing office buildings will enhance the pedestrian experience along North Capitol Street without infringing on the viewshed crowned by the Capitol Dome to the south.
8. ***Pursuant to Subtitle I § 701.2(a)(2)*** - *The Project will be in context with the surrounding neighborhood and street patterns* - The Project will utilize high-quality materials that are consistent with, and draw directly from, the material expression and character of the existing development along North Capitol Street. The proposed height the new 901 North Capitol Hotel Building is consistent with (and slightly less than) the height of the existing office buildings on the Property. The new commercial and lodging uses will contribute to the existing diverse mix of uses along North Capitol Street, which includes government and private office buildings, Gonzaga College High School, multifamily residential buildings, and houses of worship.
9. ***Pursuant to Subtitle I § 701.2(a)(3)*** - *The Project will minimize conflict between vehicles and pedestrians.* - The proposed design promotes a safe and efficient pedestrian experience, and represents a substantial improvement upon the existing conditions for pedestrians. The Project will maintain the existing parking and loading access located at the southwest corner of the site off North Capitol Street and at the northeast corner off of K Street, and the Applicant does not propose any new or additional curb cuts.



10. ***Pursuant to Subtitle I § 701.2(a)(4) - The proposed building will minimize unarticulated blank walls adjacent to public spaces through façade articulation.*** - The Project will utilize high quality materials with a careful mix of brick tones and detailing, along with black metal trim accents. The ground-floor addition façades, are based upon the existing buildings' column formation and the traditional forms of the other contextual brick buildings along the nearby portion of North Capitol Street.
11. ***Pursuant to Subtitle I § 701.2(a)(5) - The proposed building will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.***- The existing buildings were previously certified LEED Silver Operations and Maintenance, and the Applicant intends to recertify them accordingly. The Applicant is pursuing LEED (v4) Gold for BD+C: New Construction and Major Renovation certification for the new 901 North Capitol Street Hotel Building. The Project's "green" features include a commitment to provide rooftop solar and/or green roof and other site landscaping, sustainable plantings throughout the Project plazas and a proposed rooftop bee colony that will help support the District's bee population, as well as comprehensive updates to the existing 899 North Capitol Building and 999 North Capitol Building that will result in the buildings being more sustainable than the original 1970s structures.
12. ***Pursuant to Subtitle I § 701.2(b)(1) - The building or structure incorporates massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of North Capitol Street as a monumental civic boulevard.*** - The proposed ground-floor additions and new hotel building are designed to enhance and elevate this portion of the North Capitol Street corridor, building upon the pattern of significant and unique brick buildings on alternating sides of the street and reinvigorating the pedestrian experience adjacent to the Property and within the proposed plazas onsite.
13. ***Pursuant to Subtitle I § 701.2(b)(2) - The building incorporates massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable*** - The Project utilizes form and materiality to respond to and assimilate with the neighborhood surrounding the development, relying on a brick expression in recognition of the existing unique brick structures punctuating North Capitol Street. Parking and loading access will be maintained at their current locations and will remain deferential to the pedestrian foot traffic along both streets. Both the proposed ground-floor office additions and the new hotel building will further emphasize, promote, and prioritize pedestrian activity in the public space abutting the Property and within the Project's two proposed plazas and east/west pedestrian connection.
14. ***Pursuant to Subtitle I § 701.2(b)(3) - The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome and other federal monumental buildings.*** - The Initial Application included such view analysis, as noted in Finding of Fact No. 26, demonstrating that the Project will enhance

the view of the Capitol or other federal monumental buildings and substantially improve the pedestrian experience along this portion of North Capitol Street. (see Ex. 3F1 at 19-22; Ex. 3F4 at A09-A10.)

**“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP**

15. The Commission must give great weight to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code §6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086–87 (D.C. 2016).)
16. The Commission finds persuasive OP’s evaluation of the Applicant as having satisfied the applicable design review requirements and having satisfactorily addressed OP’s concerns and conditions with OP’s recommendation to approve the Application.

**“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANCS**

17. The Commission must give “great weight” to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2). To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086–87 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
18. The Commission finds the ANC 6C Report and ANC 6E Report issues and concerns persuasive and notes that the Applicant has agreed to all of the conditions proposed by ANC 6C in its report.

**DECISION**

Based on the case record, the testimony at the public hearing, and the above Findings of Fact and Conclusions of Law, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant’s request for Design Review approval pursuant to Subtitle I §§ 617.7 and 702.1, subject to the following conditions, standards, and flexibility:

**A. PROJECT DEVELOPMENT**

1. The Project shall be built in accordance with the plans and elevations dated September 13, 2021, and marked as Exhibits 17A1-17A5 and supplemented by Exhibits 21A1-21A2 of the record (the “Final Plans”), and with the following design flexibility relating to the Final Plans:
  - a. Interior Components: To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns,

- stairways, atria, and mechanical rooms, provided that the variations do not materially change the exterior configuration or appearance of the building as shown on the plans approved by the Order;
- b. Exterior Materials – Color: To vary the final selection of the colors of exterior materials based on availability at the time of construction without reducing the quality of the materials, provided such colors are within the color ranges shown on the plans approved by the Order;
  - c. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the Order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
  - d. Parking Layout – To make refinements to the approved vehicular and bicycle parking configuration, including layout and number of parking spaces plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations;
  - e. Streetscape Design – To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, or as approved by, the DDOT Public Space Division;
  - f. Signage – To vary the final design of the signage for the Project, subject to full compliance with applicable signage restrictions under the D.C. Building Code and consistent with the indicated dimensions shown on Pages 32–33 and A17, Ex. 17A2, of the Final Plans approved by the Order;
  - g. Green Roof and Solar Panel Area – To vary the location of the green roof and/or solar panel installation/array area to be located anywhere on the Property, provided that no less than 4,000 square feet of such area is provided; and
  - h. 901 North Capitol Roof – To vary the final design of the roof plan, including the location and size of the roof structure, for 901 North Capitol Street, provided that no relief from roof structure design regulations is required unless it is subsequently approved by the Zoning Commission.
2. The color of the masonry facing of the additions shall be the same for the 899 North Capitol Building and the 999 North Capitol Building and the color shall be similar to that shown for 899 North Capitol in Exhibit 12A2, plan Page 38.
3. There shall be no signage located more than 20 feet above the grade of the nearest property line on a north, south or west-facing wall of any building, other than: signage where it now exists on the 899 North Capitol Building and new signage in the area labelled “Location 4” on the 999 North Capitol Building. (Ex. 12A2, Page 43.) Other signage on the north, south or west walls shall be permitted at or below 20 feet above the adjacent grades, with each sign not exceeding 277 square feet. Signage on the east-facing walls shall be as permitted by the District’s Construction Code signage regulations

## **B. REQUIREMENTS – CERTIFICATE OF OCCUPANCY**

1. **Prior to the issuance of the first permanent certificate of occupancy for the Phase II building (901 North Capitol Street, N.E.),** the Applicant shall provide the Zoning Administrator with evidence that the Phase II building is designed to obtain LEED Gold: BD+C: New Construction and Major Renovation certification or higher from the U.S. Green Building Council under the LEED v.4 rating system.
2. **Within 12 months after the issuance of the first permanent certificate of occupancy for the Phase II building (901 North Capitol Street, N.E.),** the Applicant shall submit evidence to the Zoning Administrator that it has secured such LEED Gold: BD+C: New Construction and Major Renovation certification.
3. **Prior to the issuance of the first permanent certificate of occupancy for the Phase II building (901 North Capitol Street, N.E.),** the Applicant shall provide the Zoning Administrator with evidence that the Project provides an east-west access for pedestrians on a walkway within the former right-of-way of I Street, N.E. The access shall, at a minimum, be provided between 7:00 a.m.-7:00 p.m. and appropriate signage shall be posted to inform the public of the access and its hours of operation;
4. **Prior to issuance of the first permanent certificate of occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first,** the Applicant shall provide the Zoning Administrator with evidence that it has funded and constructed the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval.

**C. REQUIREMENTS – LIFE OF THE PROJECT (unless otherwise noted)**

**Transportation Demand Management Measures**

1. **For the life of the Project,** the Applicant shall adhere to the following TDM plan measures:
  - a. **899 North Capitol Street Building TDM Plan:**
    - i. Unbundle the cost of vehicle parking from the cost to lease an office and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
    - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement;
    - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the Transportation Coordinator;
    - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the property's website and in any internal building newsletters or communications;

- v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
- vi. Will notify goDCgo each time a new office tenant moves in and provide TDM information to each tenant as they move in.
- vii. Will provide links to CommuterConnections.com and goDCgo.com on property websites;
- viii. Transportation Coordinator will implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
- ix. Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
- x. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- xi. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;
- xii. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Eight (8) short-term and 88 long-term spaces will be provided directly adjacent to or within 899 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
- xiii. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- xiv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
- xv. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval; and

- xvi. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings
- b. 901 North Capitol Street Hotel Building Lodging Use TDM Plan:
- i. Unbundle the cost of parking from the cost to lease the building and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
  - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. There will be a Transportation Coordinator for each tenant and the entire site;
  - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
  - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
  - v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
  - vi. Front office and customer-facing staff will be provided training by goDCgo (either in-person or webinar) to learn of the non-automotive options for traveling to the property;
  - vii. Provide guests with goDCgo's Get around Guide by making it available on the property website and in printed format for front office or customer-facing staff;
  - viii. Transportation Coordinator will subscribe to goDCgo's hospitality newsletter;
  - ix. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Thirty-five long-term spaces will be provided within 901 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
  - x. Will post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking (RPP) zones;
  - xi. Provide comprehensive transportation information and directions on hotel website, including promoting the use of nonautomotive modes of transportation and links to website for goDCgo, Capital Bikeshare, DC Circulator, and the Washington Metropolitan Area Transit Authority (WMATA);
  - xii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law

(employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;

- xiii. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
  - xiv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
  - xv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
  - xvi. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;
  - xvii. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
  - xviii. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.
- c. 901 North Capitol Street Hotel Building Retail Use TDM Plan:
- i. Unbundle the cost of parking from the cost to lease the building or unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
  - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. There will be a Transportation Coordinator for each tenant and the entire site;
  - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;
  - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to employees and patrons, including

promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;

- v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
- vi. Will post “getting here” information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking (RPP) zones;
- vii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- viii. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;
- ix. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Thirty-five long-term spaces will be provided within 901 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
- x. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- xi. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
- xii. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;
- xiii. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and



- xix. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.
- d. 999 North Capitol Street Building Office Use TDM Plan:
- i. Unbundle the cost of parking from the cost to lease an office unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
  - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement;
  - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year. All employer tenants must survey their employees and report back to the Transportation Coordinator;
  - iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
  - v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
  - vi. Will notify goDCgo each time a new office tenant moves in and provide TDM information to each tenant as they move in;
  - vii. Will provide links to CommuterConnections.com and goDCgo.com on property websites;
  - viii. Transportation Coordinator will implement a carpooling system such that individuals working in the building who wish to carpool can easily locate other employees who live nearby;
  - ix. Distribute information on the Commuter Connections Guaranteed Ride Home (GRH) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency;
  - x. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in at least one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;

- xi. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;
  - xii. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Eight short-term and 88 long-term spaces will be provided directly adjacent to or within 899 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
  - xiii. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
  - xiv. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
  - xv. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;
  - xvi. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
  - xvii. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.
- e. 999 North Capitol Street Building Retail Use TDM Plan
- i. Unbundle the cost of parking from the cost to lease the building or unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
  - ii. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. There will be a Transportation Coordinator for each tenant and the entire site;
  - iii. Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;

- iv. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to employees and patrons, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;
- v. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;
- vi. Will post “getting here” information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons discouraging parking on-street in Residential Permit Parking (RPP) zones;
- vii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future;
- viii. Provide employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future;
- ix. Will meet ZR16 short- and long-term bicycle parking requirements. Long-term bicycle parking will be provided free of charge to all employees. Thirty-five long-term spaces will be provided within 901 North Capitol Street with a site-total of 32 short-term and 212 long-term spaces across the Union Square development;
- x. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case;
- xi. Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final certificate of occupancy for the Project) summarizing continued compliance with the transportation and TDM conditions in the Order;
- xii. Prior to issuance of a Certificate of Occupancy associated with either Phase 1 or Phase 2 development, whichever occurs first, the Applicant will fund and construct the missing ADA curb ramp on the west side of North Capitol Street on the northern side of the intersection with I Street N.W., subject to DDOT approval;

- xiii. Future employees of the 901 N. Capitol Street N.E. building shall be permitted and encouraged to use shared shower and locker facilities located in the 899 and 999 buildings; and
- xiv. Applicant will implement a pick-up/drop-off plan in the 999 building parking garage for the future 901 N. Capitol Street N.E. hotel operation if curbside signage regarding a pick up/drop off, loading or similar zone on N. Capitol Street is not approved by DDOT. The contents of this pick-up/drop-off plan will be further discussed and finalized during public space permitting.

**D. ANC Condition**

- 1. The ground levels of the Project shall devote at least 50% of the new façade surface area facing North Capitol Street to display windows or pedestrian entrances having clear low-emissivity glass and ensure that the view through the display windows and pedestrian entrances is not blocked for at least 10 feet in from the building face.

**E. VALIDITY**

- 1. This Application approval for Phase I of the Project shall be valid for a period of two years from the effective date of this Order, and approval for Phase II shall be valid for a period of seven years from the effective date of this Order. Within such time, an application for building permit for each respective phase must be filed as specified in 11-Z DCMR § 702.2. Construction must begin on Phase I within three years after the effective date of this Order, and construction on Phase II must begin within eight years after the effective date of this Order. (11-Z DCMR § 702.3.)

**VOTE (October 14, 2021): 3-0-2** (Peter A. Shapiro, Robert E. Miller, and Anthony J. Hood to **APPROVE**; Peter G. May not voting having not participated in the hearing, Architect of the Capitol; representative not present; not voting)

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 11, 2022.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF FILING****Z.C. Case No. 22-04****Hanover R.S. Limited Partnership****(Consolidated PUD & Related Map Amendment for Property Located @ Square 3841, Lots 38, 825, 829, & 832-834; & Square 3846, Lots 82, 846, 856, & 859)****February 10, 2022****THIS CASE IS OF INTEREST TO ANC 5B**

On January 21, 2022, the Office of Zoning received an application from Hanover R.S. Limited Partnership (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The subject property is located in northeast Washington, D.C. (Ward 5) at 3135 and 3201 8th Street, N.E. The property consists of Square 3841, Lots 38, 825, 829, and 832-834 and Square 3846, Lots 82, 846, 856, and 859 in northeast Washington, D.C. (Ward 5) and is currently zoned PDR-2. The Applicant is proposing, for the purposes of this project, to rezone the western and southern portion of the PUD Site (Lots 82, 825, 832, 846, and 856, as well as the closed public street and closed public alleys) to the MU-6A zone and the northeastern corner of the PUD Site (Lots 38, 829, 833, and 834, as well as the closed public alleys) to the MU-4 zone. The Applicant proposes to construct a mixed-use development in two phases with Reed Street (Alley) being realigned to bisect the overall project and extend to Franklin Street. The overall project will provide approximately 723 new residential units between two phases with approximately 18,000 square feet of ground floor PDR/makerspace. The The Applicant proposes to include an affordable housing proffer (15% of the total residential gross floor area ("GFA")) at varying levels of affordability. The Applicant also proposes approximately 185 parking spaces in the Phase I Building, and approximately 98 parking spaces in the Phase II-B Building.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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## OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

### DISTRICT OF COLUMBIA REGISTER 2022 AGENCY SUBMISSION DEADLINE SCHEDULE

The *District of Columbia Register* is published weekly on Fridays, including on public holidays. The *District of Columbia Register* will be published on the following public holidays:

- D.C. Emancipation Day (Observed): Friday, April 15, 2022
- Veteran's Day: Friday, November 11, 2022

The deadline for submitting notices for publication in the *District of Columbia Register* by District agencies, boards, commissions, and public charter schools is THURSDAY, noon of the PREVIOUS week. For example, the deadline for the Friday, January 7, 2022 *District of Columbia Register* is Thursday, noon on December 30, 2021.

The deadline for a Register to be published during a week that has an official District of Columbia holiday is WEDNESDAY noon of the PREVIOUS week. For example, Monday, January 17, 2022 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the Friday, January 21, 2022 *District of Columbia Register* is Wednesday, noon on January 12, 2022.

If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, November 24, 2022 is Thanksgiving Day, the deadline for the December 2, 2022 *District of Columbia Register* is Wednesday, noon on November 23, 2022.

**Documents that are uploaded after the noon deadline will be published in the next edition of the Register.**

**DC Register Submission Deadline Schedules will be published at the end of each Register.**

Below is the 2022 District of Columbia Register Submission Deadline schedule.

**OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES**  
**DISTRICT OF COLUMBIA REGISTER**  
**2022 AGENCY SUBMISSION DEADLINE SCHEDULE**

<b>D.C. Register Issue</b>		<b>Submission Deadline</b>	
Vol. 69/1	January 7, 2022	Thursday	December 30, 2021
Vol. 69/2	January 14, 2022	Thursday	January 6, 2022
Vol. 69/3	January 21, 2022*	Wednesday	January 12, 2022
Vol. 69/4	January 28, 2022	Thursday	January 20, 2022
Vol. 69/5	February 4, 2022	Thursday	January 27, 2022
Vol. 69/6	February 11, 2022	Thursday	February 3, 2022
Vol. 69/7	February 18, 2022	Thursday	February 10, 2022
Vol. 69/8	February 25, 2022*	Wednesday	February 16, 2022
Vol. 69/9	March 4, 2022	Thursday	February 24, 2022
Vol. 69/10	March 11, 2022	Thursday	March 3, 2022
Vol. 69/11	March 18, 2022	Thursday	March 10, 2022
Vol. 69/12	March 25, 2022	Thursday	March 17, 2022
Vol. 69/13	April 1, 2022	Thursday	March 24, 2022
Vol. 69/14	April 8, 2022	Thursday	March 31, 2022
Vol. 69/15	April 15, 2022*	Wednesday	April 6, 2022
Vol. 69/16	April 22, 2022	Thursday	April 14, 2022
Vol. 69/17	April 29, 2022	Thursday	April 21, 2022
Vol. 69/18	May 6, 2022	Thursday	April 28, 2022
Vol. 69/19	May 13, 2022	Thursday	May 5, 2022
Vol. 69/20	May 20, 2022	Thursday	May 12, 2022
Vol. 69/21	May 27, 2022	Thursday	May 19, 2022
Vol. 69/22	June 3, 2022 *	Wednesday	May 25, 2022
Vol. 69/23	June 10, 2022	Thursday	June 2, 2022
Vol. 69/24	June 17, 2022	Thursday	June 9, 2022
Vol. 69/25	June 24, 2022*	Wednesday	June 15, 2022
Vol. 69/26	July 1, 2022	Thursday	June 23, 2022
Vol. 69/27	July 8, 2022 *	Wednesday	June 29, 2022
Vol. 69/28	July 15, 2022	Thursday	July 7, 2022
Vol. 69/29	July 22, 2022	Thursday	July 14, 2022
Vol. 69/30	July 29, 2022	Thursday	July 21, 2022
Vol. 69/31	August 5, 2022	Thursday	July 28, 2022
Vol. 69/32	August 12, 2022	Thursday	August 4, 2022
Vol. 69/33	August 19, 2022	Thursday	August 11, 2022
Vol. 69/34	August 26, 2022	Thursday	August 18, 2022
Vol. 69/35	September 2, 2022	Thursday	August 25, 2022
Vol. 69/36	September 9, 2022*	Wednesday	August 31, 2022
Vol. 69/37	September 16, 2022	Thursday	September 8, 2022
Vol. 69/38	September 23, 2022	Thursday	September 15, 2022
Vol. 69/39	September 30, 2022	Thursday	September 22, 2022
Vol. 69/40	October 7, 2022	Thursday	September 29, 2022
Vol. 69/41	October 14, 2022*	Wednesday	October 5, 2022
Vol. 69/42	October 21, 2022	Thursday	October 13, 2022
Vol. 69/43	October 28, 2022	Thursday	October 20, 2022
Vol. 69/44	November 4, 2022	Thursday	October 27, 2022
Vol. 69/45	November 11, 2022*	Wednesday	November 2, 2022
Vol. 69/46	November 18, 2022	Thursday	November 10, 2022
Vol. 69/47	November 25, 2022*	Wednesday	November 16, 2022
Vol. 69/48	December 2, 2022	Wednesday	November 23, 2022
Vol. 69/49	December 9, 2022	Thursday	December 1, 2022
Vol. 69/50	December 16, 2022	Thursday	December 8, 2022
Vol. 69/51	December 23, 2022	Thursday	December 15, 2022
Vol. 69/52	December 30, 2022*	Wednesday	December 21, 2022
Vol. 70/1	January 6, 2023*	Wednesday	December 28, 2022

\*Weeks with District of Columbia Government public holidays.

Last Updated December 21, 2021